IONAL FOREST OFFICE
INWARD No. 1115
DATE 18-6-04
DHARWAR.

A COLLECTION

THE ACTS

PASSED BY

THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

IN THE YEAR

1903.

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TITLES OF ACTS

PASSED BY

THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1903.

I. An Act to facilitate the citation of certain enactments, to amend certain enactments and to repeal certain other enactments.

II. „ to amend the Indian Post Office Act, 1898.

III. „ to make better provision for facilitating and regulating the supply and use of electrical energy for lighting and other purposes.

IV. „ further to amend the Provident Funds Act, 1897.

V. „ further to amend the Indian Ports Act, 1889.

VI. „ further to amend the Indian Paper Currency Act, 1882.

VII. „ to provide for imposing restrictions upon the use and enjoyment of land in the vicinity of works of defence in order that such land may be kept free from buildings and other obstructions, and for determining the amount of compensation to be made on account of such imposition.

VIII. „ to extend to all High Courts the power to grant Probates of Wills and Letters of Administration having effect throughout British India, and to confer upon District Judges the power to grant such probates in certain cases.

IX. „ to provide for the levy of customs-duty on Indian tea exported from British India, and to amend section 5 of the Indian Tariff Act, 1894.

X. „ to provide for the erection and management of the Victoria Memorial at Calcutta.

XI. „ further to amend the Indian Income-tax Act, 1886.

XII. „ further to amend the Indian Tariff Act, 1894.

XIII. „ further to amend the Lepers Act, 1898.

XIV. „ to give effect to the Foreign Marriages Order in Council, 1903.

XV. „ to consolidate and amend the law relating to the Extradition and Rendition of Criminals.

XVI. „ to make better provision for the organization and administration of municipalities in the Central Provinces.

[To be substituted for the copy sent before which may be destroyed

DIVISIONAL FOREST OFFICE
INWD. REGR. No. 984
DATE 17-10-03
DHARWAR.

ACT No. I OF 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

[*Received the assent of the Governor General on the 6th March, 1903.*]

An Act to facilitate the citation of certain enactments, to amend certain enactments and to repeal certain other enactments.

WHEREAS it is expedient to facilitate the citation of the enactments specified in the first schedule to this Act;

And whereas it is also expedient that certain formal amendments should be made in the enactments specified in the second schedule to this Act;

And whereas it is also expedient that certain enactments specified in the third schedule to this Act, which are spent, or have ceased to be in force otherwise than by express specific repeal, or have by lapse of time or otherwise become unnecessary, should be expressly and specifically repealed;

It is hereby enacted as follows:—

1. This Act may be called the Repealing and Amending Act, 1903. Short title.

2. Each of the enactments described in the first three columns of the first schedule may, without prejudice to any other mode of citation, be cited for all purposes by the short title mentioned in that behalf in the fourth column thereof. Citation of certain enactments.

3. The enactments specified in the second schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. Amendment of certain enactments.

4. The enactments specified in the third schedule are hereby repealed to the extent mentioned in the fourth column thereof. Repeal of certain enactments.

5. The

[*Price thirteen annas.*]

Savings.

5. The repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment provide or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

DIVISIONAL FOREST OFFICE
INWD. REGN. No 1114
DATE 18·6·04
DHARWAR

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THE FIRST SCHEDULE.

SHORT TITLES.

(*See section 2.*)

1	2	3	4
Year.	No.	Title or subject.	Short title.
		Part I.—Regulations of the Bengal Code.	
1793	XIX	A Regulation for re-enacting, with modifications, the rules passed by the Governor General in Council on the 1st December, 1790, for trying the validity of the titles of persons holding, or claiming a right to hold, lands exempted from the payment of revenue to Government, under grants not being of the description of those termed bádsháhi or royal; and for determining the amount of the annual assessment to be imposed on lands so held which may be adjudged or become liable to the payment of public revenue.	The Bengal Revenue-free Lands (Non-Bádsháhi Grants) Regulation, 1793.
„	XXXVII	A Regulation for re-enacting, with modifications, the rules passed on the 23rd April, 1788, and subsequent dates, for trying the validity of the titles of persons holding or claiming a right to hold Altámgha, jágir and other lands exempt from the payment of public revenue, under grants termed bádsháhi or royal; and for determining when certain grants of that description shall be considered to have expired; and for fixing the amount of the public revenue to be assessed upon the lands the grants for which may expire or be adjudged invalid.	The Bengal Revenue-free Lands (Bádsháhi Grants) Regulation, 1793.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.
		Part I.—Regulations of the Bengal Code—contd.	
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1795	I	A Regulation for fixing in perpetuity the revenue assessed on the lands in the Province of Benares; for the more general restoration of the ancient zamindars.	The Benares Permanent Settlement Regulation, 1795.
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THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.
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1	2	3	4
Year.	No.	Title or subject.	Short title.
		Part I.—Regulations of the Bengal Code—contd.	
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1	2	3	4
Year.	No.	Title or subject.	Short title.
		Part I.—Regulations of the Bengal Code—contd.	
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THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.
		Part I.—Regulations of the Bengal Code—contd.	
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1821	IV	A Regulation for explaining the duties of an Assistant Collector of Revenue, and for defining the duties and powers vested in Assistant Collectors or other officers appointed to the charge of the revenues of parganas or other local divisions, or employed in the performance of any portion of the functions ordinarily belonging to the Collectors of land-revenue.	The Bengal Land-revenue (Assistant Collectors) Regulation, 1821.
1822	III	A Regulation for modifying the constitution and altering the jurisdiction of the several Boards vested with the superintendence of the land-revenue in the territories belonging to the Presidency of Fort William.	The Bengal Board of Revenue Regulation, 1822.
"	VII	A Regulation for declaring the principles according to which the settlement of the land-revenue in the Ceded and Conquered Provinces, including Cuttack, Patáspur and its dependencies, is to be hereafter made, and the powers and duties belonging to Collectors or other officers employed in making, revising or superintending settlements; for defining, settling	The Bengal Land-revenue Settlement Regulation, 1822.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.
		Part I.—Regulations of the Bengal Code—contd.	
1822	VII—*contd.*	and recording the rights and obligations of various classes and persons possessing an interest in the land, or in the rent or produce thereof; and for vesting the Revenue-authorities with judicial cognizance in certain cases of suits and claims relating to land, the rent and produce of land.	
"	XI	A Regulation for declaring Government not to be liable for any errors or irregularities in the proceedings of the Courts of Justice; and for making further provision for the conduct of the Revenue-officers in certain cases.	The Bengal Government Indemnity Regulation, 1822.
1823	VI	A Regulation for authorizing the institution of summary suits to enforce the execution of certain written engagements for the cultivation and delivery of the indigo-plant, and for declaring certain principles in regard to the same.	The Bengal Indigo Contracts Regulation, 1823.
1825	IX	A Regulation for extending the operation of Regulation VII, 1822; for authorizing the Revenue-authorities to let in farm estates under temporary leases, on the default of the málguzárs, or to hold the same khás for a term of years; for modifying and adding to the rules contained in Regulation II, 1819; and for making certain other amendments in the existing Regulations.	The Bengal Land-revenue Settlement Regulation, 1825.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.
		Part I.—Regulations of the Bengal Code—contd.	
1825	XIII	A Regulation to maintain the settlement made for certain lands held exempt from the payment of revenue by Kánúngos in the Province of Behar; and to provide for the future settlement of such lands, as well as of the lands composing other resumed lákhiráj tenures, with the present occupants, when so directed by Government.	The Bengal Land-revenue Settlement (Resumed Kánúngos' and Revenue-free Lands) Regulation, 1825.
,	XIV	A Regulation to declare the extent of the authority possessed by the Revenue-authorities, subordinate to the Governor General in Council, in the confirmation of lákhiráj tenures; to define the principles to be followed in determining on the force and validity of grants made by persons exercising authority in different quarters previously to the acquisition of the country by the British Government; and to provide for the due application of the general laws and regulations respecting lands held free of assessment to the territory ceded by Govind Ráo to the British Government, and annexed to the zila of Bundelkhand, under the provisions of Regulation II, 1818.	The Bengal Revenue-free Lands Regulation, 1825.
1828	III	A Regulation for the appointment of Special Commissioners for the more speedy hearing and determination of appeals from the decisions of the Revenue-authorities in regard to lands or rents occupied or	The Bengal Land-revenue Assessment (Resumed Lands) Regulation, 1828.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.
		Part II.—Acts of the Governor General in Council—contd.	
1855	XXXII	An Act relating to Embankments.	The Bengal Embankment Act, 1855.
"	XXXVII	An Act to remove from the operation of the General Laws and Regulations certain districts inhabited by Sonthals and others, and to place the same under the superintendence of an officer to be specially appointed for that purpose.	The Sonthal Parganas Act, 1855.
1856	XVIII	An Act relating to the administration of the public revenues in the Town of Calcutta.	The Calcutta Land-revenue Act, 1856.
"	XX	An Act to make better provision for the appointment and maintenance of Police Chaukidars in Cities, Towns, Stations, Suburbs and Bazars in the Presidency of Fort William in Bengal.	The Bengal Chaukidari Act, 1856.
"	XXII	An Act for establishing a toll on boats and timber passing through the Karatoya river in the district of Bogra.	The Karatoya Tolls Act, 1856.
1857	X	An Act to amend Act XXXVII of 1855.	The Sonthal Parganas Act, 1857.
"	XIII	An Act to consolidate and amend the law relating to the cultivation of the poppy and the manufacture of opium in the Presidency of Fort William in Bengal.	The Opium Act, 1857.
"	XXI	An Act to make better provision for the order and good government of the station of Howrah.	The Howrah Offences Act, 1857.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.
		Part II.—Acts of the Governor General in Council—contd.	
1858	XXXI	An Act to make further provision for the settlement of land gained by alluvion in the Presidency of Fort William in Bengal.	The Bengal Alluvial Land Settlement Act, 1858.
1859	V	An Act to empower the holders of ghátwáli lands in the district of Birbhum to grant leases extending beyond the period of their own possession.	The Bengal Ghátwáli Lands Act, 1859.
"	X	An Act to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal.	The Bengal Rent Act, 1859.
"	XI	An Act to improve the law relating to sales of land for arrears of revenue in the Lower Provinces under the Bengal Presidency.	The Bengal Land-revenue Sales Act, 1859.
"	XII	An Act to make better provision for the trial of Pilots at the Presidency of Fort William in Bengal for breach of duty.	The Calcutta Pilots Act, 1859.
1867	XIX	An Act to make further provision for the administration of justice in the district of Darjeeling.	The Darjeeling (High Court's Jurisdiction) Act, 1867.
"	XXIII	An Act for the suppression of murderous outrages in certain districts of the Punjab.	The Punjab Murderous Outrages Act, 1867.
1871	XXII	An Act to authorize the extension of the Chaukidari Act to places where there is no Jamadar of Police.	The Bengal Chaukidari (Amendment) Act, 1871.
1876	VII	An Act to extend the Criminal Tribes Act, 1871, to the Lower Provinces of Bengal, and to amend the same Act.	The Criminal Tribes (Amendment) Act, 1876.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.
		Part II.—Acts of the Governor General in Council—concld.	
1877	IX	An Act to revive and amend Act No. XXIII of 1867.	The Punjab Murderous Outrages (Amendment) Act, 1877.
1878	XII	An Act for the further amendment of the Punjab Laws Act, 1872.	The Punjab Laws (Amendment) Act, 1878.
1881	VII	An Act to amend Bengal Act No. IX of 1880 (the Cess Act, 1880).	The Bengal Cess (Amendment No. 1) Act, 1881.
1883	VI	An Act to give power to arrest persons whose evidence is needed under Act XII of 1859.	The Calcutta Pilots (Amendment) Act, 1883.
1884	V	An Act to amend the Chota Nagpur Encumbered Estates Act, 1876.	The Chota Nagpur Encumbered Estates (Amendment) Act, 1884.
1886	VIII	An Act to amend sections 12 and 13 of the Bengal Tenancy Act, 1885.	The Bengal Tenancy (Amendment) Act, 1886.
1895	XIX	An Act to amend the Punjab Courts Act, 1884.	The Punjab Courts (Amendment) Act, 1895.
1896	XVII	An Act to amend the Punjab Land-revenue Act, 1887.	The Punjab Land-revenue (Amendment) Act, 1896.
,,	XVIII	An Act to amend the Punjab Municipal Act, 1891.	The Punjab Municipal (Amendment) Act, 1896.
		Part III.—Bengal Acts.	
1862	III	An Act to amend Act XI of 1859 (to improve the law relating to sales of land for Arrears of Revenue in the Lower Provinces under the Bengal Presidency).	The Bengal Land-revenue Sales (Amendment) Act, 1862.
,,	VI	An Act to amend Act X of 1859 (to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal).	The Bengal Rent Act, 1862.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.
		Part III.—Bengal Acts—contd.	
1862	VII	An Act to repeal section 30 of Regulation II, 1819 (for modifying the provisions contained in the existing Regulations regarding the Resumption of the revenue of lands held free of assessment under illegal or invalid tenures, and for defining the right of Government to the revenue of lands not included within the limits of estates for which a settlement has been made).	The Bengal Land-revenue Resumption Act, 1862.
"	VIII	An Act to improve the system of Zamindári Dâk in the Provinces subject to the Government of Bengal.	The Bengal Zamindári Dâk Act, 1862.
1863	II	An Act to abate and prevent nuisances arising from the smoke of furnaces in the Town and Suburbs of Calcutta.	The Calcutta and Howrah Smoke Nuisances Act, 1863.
1864	IV	An Act to amend Act XXI of 1836.	The Bengal Districts Act, 1864.
1865	IV	An Act for the prohibition of the practice of inoculation in the Town and Suburbs of Calcutta and in towns to which Act III of 1864, passed by the Lieutenant-Governor of Bengal in Council, has been or shall hereafter be extended.	The Bengal Prevention of Inoculation Act, 1865.
"	VII	An Act to make provision for the better regulation and supervision of Public Slaughter-houses in the Suburbs of Calcutta, and for the adoption of proper conservancy arrangements connected therewith.	The Bengal Municipal (Slaughter-houses and Meat-markets) Act, 1865.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.
		Part III.—Bengal Acts—contd.	
1865	VIII	An Act to amend the law for the sale of such under-tenures as by the title-deeds or established usage of the country are transferable by sale or otherwise for the recovery of arrears of rent due in respect thereof.	The Bengal Rent Recovery (Under-tenures) Act, 1865.
1866	II	An Act to provide for the better regulation of the Police within the suburbs of the town of Calcutta.	The Calcutta Suburban Police Act, 1866.
"	III	An Act to provide for the attendance and examination of witnesses before the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations.	The Bengal Legislative Council (Witnesses) Act, 1866.
"	VII	An Act to make better provision for the acquisition of land for embankments, and other matters relating thereto.	The Bengal Embankment Act, 1866.
1867	II	An Act to provide for the punishment of public gambling and the keeping of common gaming-houses in the territories subject to the Lieutenant-Governor of Bengal.	The Bengal Public Gambling Act, 1867.
"	III	An Act to amend the law relating to ships lying in ports in the Provinces under the control of the Lieutenant-Governor of Bengal.	The Bengal Ports Act, 1867.
"	IV	An Act to explain and amend Act VI of 1862, passed by the Lieutenant-Governor of Bengal in Council, and to give validity to certain judgments.	The Bengal Rent (Appeals) Act, 1867.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.
		Part III.—Bengal Acts—contd.	
1868	III	An Act to amend the law respecting appeals in cases under Regulation VII of 1822.	The Bengal Land-revenue Settlement Act, 1868.
"	IV	An Act to amend the provisions of Act IX of 1847 (an Act regarding the assessment of lands gained from the sea or from rivers by alluvion or dereliction within the Provinces of Bengal, Behar and Orissa).	The Bengal Alluvion (Amendment) Act, 1868.
"	VII	An Act to make further provision for the recovery of arrears of land-revenue and public demands recoverable as arrears of land-revenue.	The Bengal Land-revenue Sales Act, 1868.
1869	I	An Act for the Prevention of Cruelty to Animals.	The Bengal Cruelty to Animals Act, 1869.
"	III	An Act to enable Police-officers to arrest without warrant persons guilty of cruelty to animals.	The Bengal Cruelty to Animals (Arrest) Act, 1869.
"	VII	An Act to amend the constitution of the Police-force in Bengal.	The Bengal Police Act, 1869.
1871	I	An Act to amend the Village Chaukidári Act, 1870.	The Bengal Village Chaukidári Act, 1871.
"	II	An Act to amend the procedure for the recovery of arrears of land-revenue in respect of tenures not being estates.	The Bengal Land-revenue Sales (Amendment) Act, 1871.
1873	I	An Act to amend the Salt Act, 1864.	The Bengal Salt Act, 1873.
"	IV	An Act for registering Births and Deaths.	The Bengal Births and Deaths Registration Act, 1873.
1876	I	An Act to provide for the voluntary Registration of Muhammadan Marriages and Divorces.	The Bengal Muhammadan Marriages and Divorces Registration Act, 1876.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.
		Part III.—Bengal Acts—contd.	
1876	II	An Act to amend Act XI of 1849, Act XXI of 1856 and Act IV (B.C.) of 1866.	The Calcutta Police (Amendment) Act, 1876.
1878	V	An Act to amend Bengal Act VII of 1876.	The Bengal Land Registration (Amendment) Act, 1878.
1879	II	An Act to amend and extend the Puri Lodging-house Act, 1871.	The Puri Lodging-house (Extension) Act, 1879.
"	III	An Act to provide for the periodical inspection of Steam-boilers and Prime-movers attached thereto in the Town and Suburbs of Calcutta and in Howrah.	The Bengal Steam-boilers and Prime-movers Act, 1879.
"	VIII	An Act to define and limit the powers of Settlement-officers.	The Bengal Rent Settlement Act, 1879.
1880	III	An Act to amend the Howrah Bridge Act, 1871.	The Howrah Bridge Act, 1880.
1881	II	An Act to amend the Cess Act, 1880.	The Bengal Cess (Amendment No. 2) Act, 1881.
"	III	An Act to amend the Court of Wards Act, 1879.	The Bengal Court of Wards (Amendment) Act, 1881.
1883	I	An Act to amend the Bengal Excise Act, 1878.	The Bengal Excise (Amendment) Act, 1883.
"	V	An Act for the Registration and Control of Porters and Dandeewallas in the Darjeeling and Kurseong Municipalities.	The Darjeeling and Kurseong Municipal (Porters) Act, 1883.
1884	I	An Act further to amend Bengal Act IV of 1871.	The Puri Lodging-house (Extension) Act, 1884.
"	II	An Act to amend the Calcutta Tramways Act, 1880.	The Calcutta Tramways (Amendment) Act, 1884.
1886	I	An Act to further amend the Village Chaukidári Act, 1870.	The Bengal Village Chaukidári (Amendment) Act, 1886.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Title or subject.	Short title.
		Part III.—Bengal Acts—contd.	
1886	II	An Act to amend Act II (B.C.) of 1866, and the Calcutta Police Act, 1866.	The Calcutta and Suburban Police (Amendment) Act, 1886.
"	III	An Act to amend Act III (B. C.) of 1884.	The Bengal Municipal (Amendment) Act, 1886.
1887	II	An Act to amend Bengal Act V of 1880.	The Bengal Vaccination (Amendment) Act, 1887.
1889	IV	An Act to provide for the appointment of a Muhammadan Burial Board in Calcutta, and to make better provision for the interment of persons other than Christians or Muhammadans.	The Calcutta Burial Boards Act, 1889.
1890	I	An Act to consolidate the Calcutta and the Suburban Police Superannuation Funds.	The Calcutta and Suburban Police (Superannuation Fund) Act, 1890.
"	II	An Act to amend the Bengal Vaccination Act, 1880.	The Bengal Vaccination (Amendment) Act, 1890.
1892	I	An Act to further amend the Village Chaukidári Act, 1870.	The Bengal Village Chaukidári (Amendment) Act, 1892.
1894	II	An Act to amend the Calcutta Port Act, 1890.	The Calcutta Port (Amendment) Act, 1894.
"	IV	An Act to amend the Bengal Municipal Act, 1884.	The Bengal Municipal (Amendment) Act, 1894.
1895	II	An Act to further amend the Suburban Police Act, 1866, and the Calcutta Police Act, 1866.	The Calcutta and Suburban Police (Amendment) Act, 1895.
"	IV	An Act to further amend the Calcutta Port Act, 1890.	The Calcutta Port (Amendment No. 1) Act, 1895.
"	VI	An Act to further amend the Calcutta Port Act, 1890.	The Calcutta Port (Amendment No. 2) Act, 1895.
1896	II	An Act to further amend the Bengal Municipal Act, 1884.	The Bengal Municipal (Amendment) Act, 1896.

THE FIRST SCHEDULE—*concld.*

1	2	3	4
Year.	No.	Title or subject.	Short title.
		Part III.—Bengal Acts—concld.	
1897	I	An Act to amend the Public Demands Recovery Act, 1895.	The Bengal Public Demands Recovery (Amendment) Act, 1897.
1899	II	An Act to repeal the Civil Courts Amins Act, 1856, in Bengal.	The Bengal Civil Court Amins Act, 1899.

THE SECOND SCHEDULE.

AMENDMENTS.

(*See section 3.*)

1	2	3	4
Year.	No.	Subject or short title.	Amendments.
		Part I.—Regulations of the Bengal Code.	
1793	II	The Bengal Land-revenue Regulation, 1793.	In section 18, *after* Collector *insert* or. In sections 36, 38, 39, 40, 42, 43 and 45, *the words* Governor General in Council, *wherever they occur, shall be read as if the words* Local Government *were substituted therefor.* In section 40, *the word* his *shall be read as if the word* its *were substituted therefor.* In section 45, *the word* him *shall be read as if the word* it *were substituted therefor.*
,,	VIII	The Bengal Decennial-Settlement Regulation, 1793.	In section 20, *the words* Governor General in Council *shall be read as if the words* Local Government *were substituted therefor.* In section 21, *the word* Government *shall be read as if the words* the Local Government *were substituted therefor.*
,,	XIX	Revenue-free Lands (Non-Bádsháhi Grants).	In sections 2, 3, 8 and 15, *the words* Governor General in Council, *wherever they occur, shall be read as if the words* Local Government *were substituted therefor.* In section 2, clause *Fourth, the word* him *shall be read as if the word* it *were substituted therefor.* In section 10, *the words* Governor General in Council *shall be read as if the words* Governor General in Council or the Local Government *were substituted therefor.* In section 15, *the word* him, *where it last occurs, shall be read as if the word* it *were substituted therefor.*

THE SECOND SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Amendments.
		Part I.—Regulations of the Bengal Code—contd.	
1793	XXXVII	Revenue-free Lands (Bádsháhi Grants).	In sections 2, 3, 5 and 10, *the words* Governor General in Council, *wherever they occur, shall be read as if the words* Local Government *were substituted therefor.* In section 10, *the word* him, *where it last occurs, shall be read as if the word* it *were substituted therefor.*
1799	V	The Bengal Wills and Intestacy Regulation, 1799.	In section 7, *the words* Governor General in Council *shall be read as if the words* Local Government *were substituted therefor, and the word* his, *where it last occurs, shall be read as if the word* its *were substituted therefor.*
1805	XII	Land-revenue, Cuttack .	In sections 18, 20, 26, 28 and 30, *the words* Governor General in Council, *wherever they occur, shall be read as if the words* Local Government *were substituted therefor.* In section 18, clause *Third, the word* himself *shall be read as if the word* itself *were substituted therefor.* In section 18, clause *Fifth, the word* him *shall be read as if the word* it *were substituted therefor.* In section 22, *for* through the Board of Revenue for the information of the Governor General in Council *substitute* to the Board of Revenue.
"	XIII	Police, Cuttack . . .	In section 3, *the words* the Governor General in Council, by an order in Council, *shall be read as if the words* the Local Government, by notification in the Calcutta Gazette, *were substituted therefor.* In section 4, clause *Fourth, the words* Governor General in Council *shall be read as if the words* Local Government *were substituted therefor.*

THE SECOND SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Amendments.
		Part I.—Regulations of the Bengal Code—contd.	
1810	XIX	Charitable Endowments, Public Buildings and Escheats.	In section 3, *for* those Boards *substitute* the Board of Revenue. In section 4, *for* Boards *substitute* Board. In section 8, *for* those Boards respectively *substitute* the Board. In section 9, *the words* Governor General in Council *shall be read as if the words* Local Government *were substituted therefor.* In section 12, *for* superior Boards *substitute* Board of Revenue, *and for* Boards *substitute* Board. In section 13, *for* superior Board *substitute* Board of Revenue.
1812	V	Land-revenue Sales . .	In section 25, *the words* Governor General in Council *shall be read as if the words* Local Government *were substituted therefor.*
"	XI	The Bengal Foreign Immigrants Regulation, 1812.	At the end of section 5, *for* the said Regulation *substitute* this Regulation.
1814	XXIX	Ghatwáli Lands . .	In section 5, *the words* Governor General in Council, *wherever they occur, shall be read as if the words* Local Government *were substituted therefor.*
1816	V	Kánúngos . . .	In sections 5 and 11, *the words* Governor General in Council, *wherever they occur, shall be read as if the words* Local Government *were substituted therefor.*
"	IX	Sundarbans . . .	In section 2, *the words* Governor General in Council *shall be read as if the words* Local Government *were substituted therefor;* In the same section, *for* Regulations *substitute* Laws.

THE SECOND SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Amendments.
		Part I.— Regulations of the Bengal Code—contd.	
1817	XII	Patwáris	In section 18, *the words* Governor General in Council *shall be read as if the words* Local Government *were substituted therefor.*
1819	I	Kánúngos and Patwáris .	In section 4, *the words* Governor General in Council, *wherever they occur, shall be read as if the words* Local Government *were substituted therefor.* In section 4, clause *Third, the word* he *shall be read as if the word* it *were substituted therefor.*
"	II	Land-revenue Assessment (Resumed Lands).	In section 13, clause *Third,* and in section 14, *the words* Governor General in Council *shall be read as if the words* Local Government *were substituted therefor.* In section 21, clause *Second, for* Boards *substitute* Board.
"	VIII	The Bengal Patni Taluqs Regulation, 1819.	In section 9, and in section 14, clause *Second, for* notes of the Bank of Bengal *substitute* currency notes.
1820	I	The Bengal Patni Taluqs Regulation, 1820.	In section 2, *for* the general Regulations *substitute* Law.
1821	IV	Land-revenue (Assistant Collectors).	In section 7, *for* by the Regulations *substitute* by law, *and for* the Regulations already in force *substitute* the law for the time being in force. In section 8, *the words* Governor General in Council, *wherever they occur, shall be read as if the words* Local Government *were substituted therefor.* In section 8, clause *Fifth, for* by the Regulations *substitute* by the laws, *and for* to the Regulations *substitute* to law.

THE SECOND SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Amendments.
		Part I.—Regulations of the Bengal Code—contd.	
1822	III	Board of Revenue . .	In the title, *for the words from* and altering *to the end, substitute* of the Board of Revenue, and for controlling the distribution of powers between the members of the Board. In section 4, clause *First, for* The said Boards shall each of them *substitute* The Board of Revenue for the Lower Provinces of the Presidency of Fort William in Bengal shall. In section 5, clause *First, for* any of the said Boards *substitute* the said Board. In section 5, second proviso, and clause *Second, for* a Board *substitute* the Board. In section 5, clauses *Third* and *Sixth, for* Boards *substitute* Board.
	VII	Land-revenue Settlement. .	In section 2, clause *Sixth, for the words* as aforesaid, *where they first occur, substitute* acknowledged as the proprietor or possessor of a permanent interest in the mahal for which he has engaged. In section 3, *the words* Governor General in Council, *wherever they occur, shall be read as if the words* Local Government *were substituted therefor, and the words* by an Order in Council *shall be read as if the words* by notification in the local official Gazette *were substituted therefor.* In section 5, section 6, clause *Second,* section 7, clause *First,* section 8, section 9, clause *Third,* section 10, clauses *First* and *Third,* and sections 16, 17 and 32, *the words* Governor General in Council, *wherever they occur, shall be read as if the words* Local Government *were substituted therefor ;* and in section 35, *the words* Governor General in Council, *in the second place where they occur, shall be read as if the words* Local Government *were substituted therefor.*

THE SECOND SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Amendments.
		Part I.—Regulations of the Bengal Code—contd.	
1822	VII	Land-revenue Settlement—*contd.*	In section 9, clause *Third, for* Boards *substitute* Board, *and for* such a Board *substitute* that Board. In section 10, clause *Ninth,* section 16, proviso, and section 32, *for the word* Boards, *wherever it occurs, substitute* Board. In section 13, *for* Regulation *substitute* law. In section 20, clause *First, the words* the Government by an Order in Council *shall be read as if the words* the Local Government by notification in the local official Gazette *were substituted therefor, the word* he *shall be read as if the word* it *were substituted therefor, and the word* Government *shall be read as if the words* the Local Government *were substituted therefor.* In section 20, clause *Second, the words* Governor General in Council *and the words* Governor General *shall be read as if the words* Local Government *were substituted therefor, and the words* by an Order in Council *shall be read as if the words* by notification in the local official Gazette *were substituted therefor.* In section 23, clause *First, for* other Regulation *substitute* other law. In section 24, clause *Second, for* the existing Regulations *substitute* any other law. In section 26, *for* such suits *substitute* suits the cognizance of which is hereby vested in Collectors.
1825	IX	Land-revenue Settlement	In section 3, section 4, section 5, clause *Eighth,* section 6 and section 8, *the words* Governor General in Council, *wherever they occur, shall be read as if the words* Local Government *were substituted therefor.*

THE SECOND SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Amendments.
		Part I.—Regulations of the Bengal Code—contd.	
1825	IX	Land-revenue Settlement—*contd.*	In section 3, *after* Behar *insert* or. In section 6, *the words* an Order in Council *shall be read as if the words* notification in the local official Gazette *were substituted therefor.* In section 8, *for the words* rules respectively *substitute* section.
"	XIII	Land-revenue Settlement .	In sections 2 and 5, *the words* Governor General in Council, *wherever they occur, shall be read as if the words* Local Government *were substituted therefor.* In the first paragraph of section 2, *the word* he *shall be read as if the word* it *were substituted therefor.* In section 3, *for* Regulations *substitute* law.
"	XIV	Revenue-free Lands . .	In section 1 and section 3, clause *Fifth, for* Regulations VIII and *substitute* Regulation. In sections 2 and 3, *the words* Governor General in Council, *wherever they occur, shall be read as if the words* Local Government *were substituted therefor.* In section 3, clause *Fifth, the word* his, *where it last occurs, shall be read as if the word* its *were substituted therefor.* In section 6, *for* Revenue Boards *substitute* Board of Revenue, *and for* these Boards *substitute* that Board.
1827	III	The Bengal Corruption and Extortion Regulation, 1827.	In section 5, *for* a Court of Circuit or the Nizamat Adalat *substitute* the Court.
"	V	The Bengal Attached Estates Management Regulation, 1827.	In section 3, *for* several Regulations *substitute* Regulation.

THE SECOND SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Amendments.
		Part I.—Regulations of the Bengal Code—concld.	
1828	III	Land-revenue Assessment (Resumed Lands).	In section 10, clauses *Second* and *Third*, *for* Boards *substitute* Board. In section 13, clause *First*, *the words* Governor General in Council *and the word* he *shall be read as if the words* Local Government *and the word* it *were respectively substituted therefor.*
"	IV	Land-revenue Settlement .	In section 2, clause *Fourth*, *for* aforesaid *substitute* vested with the powers of a Collector.
1833	IX	Land-revenue (Settlement and Deputy Collectors).	In the title, *for* Regulations *substitute* Regulation, and, in section 1, *for* those Regulations *substitute* that Regulation. In sections 12 and 13, *for* Boards *substitute* Board. In section 16, *the words* Governor General in Council *shall be read as if the words* Local Government *were substituted therefor.*
		Part II.—Acts of the Governor General in Council.	
1836	XXI	Districts	*The words* the Governor General in Council by an Order in Council *shall be read as if the words* the Local Government, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, *were substituted therefor.*
1859	X	Rent	In sections 136 and 151, *for* Boards *substitute* Board.
"	XI	Land-revenue Sales . .	In section 22, *after* post bills *insert* currency notes. In section 32, *for* section 25 *substitute* section 2 of the Bengal Land-revenue Sales Act, 1868. In section 33, *for* section 25 of this Act *substitute* section 2 of the Bengal Land-revenue Sales Act, 1868.
"	XII	Calcutta Pilots . .	In sections 2 and 18, *for the words* Superintendent of Marine, *wherever they occur, substitute* Port Officer.

THE SECOND SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Amendments.
		Part II.—Acts of the Governor General in Council—contd.	
1861	V	The Police Act, 1861	In section 34, *after* imprisonment *insert* with or without hard labour.
1867	III	The Public Gambling Act, 1867.	In the title, *for* the Central Provinces and British Burma *substitute* and the Central Provinces. In the preamble, *for* of the Chief Commissioner of the Central Provinces and of the Chief Commissioner of British Burma, *substitute* and of the Chief Commissioner of the Central Provinces. In section 1, *for the definitions of* Lieutenant-Governor *and* Chief Commissioner *substitute the following, namely:—* "Lieutenant-Governor" means the Lieutenant-Governor of the United Provinces of Agra and Oudh or of the Punjab, as the case may be: "Chief Commissioner" means the Chief Commissioner of the Central Provinces or of the North-West Frontier Province, as the case may be.
1872	XV	The Indian Christian Marriage Act, 1872.	In section 82, *for* certificates of marriages, *and also for* marriage certificates, *substitute* certificates for marriage. In Schedule II, *after* declaration *insert* or oath.
1878	XII	Laws, Punjab (Amending Act IV of 1872).	In section 2, *for* 18 *substitute* 16.
1879	XIV	The Hackney Carriage Act, 1879.	In section 3, *for* The Lieutenant-Governors of the North-Western Provinces and the Punjab and the Chief Commissioners of Oudh, the Central Provinces, British Burma, *substitute* The Lieutenant-Governors of the United Provinces of Agra and Oudh, the Punjab and Burma, and the Chief Commissioner of the Central Provinces.

THE SECOND SCHEDULE—*contd.*

1	2	3	
Year.	No.	Subject or short title.	Amendments.
		Part II.—Acts of the Governor General in Council—contd.	
1879	XVIII	The Legal Practitioners' Act, 1879.	In section 42 (added by the Legal Practitioners' Act, 1884, section 9), *before the words and figures* Act I of 1846 *insert* So much of Chapter VI of Bombay Regulation II of 1827. as has not been repealed.
1881	XIII	The Fort William Act, 1881.	In section 1, *for* Army Discipline and Regulation Act, 1879, *substitute* Army Act. In section 5, *for* Presidency Magistrates Act, 1877, *substitute* Code of Criminal Procedure, 1898; *and for* the High Courts Criminal Procedure Act, 1875, section 147, *substitute* section 526 of that Code. In section 7, *for* Magistrates appointed under the Presidency Magistrates Act, 1877, *substitute* Presidency Magistrates.
1889	V	The Coroners (Madras) Act, 1889.	In the preamble and in section 4, sub-section (2), as amended by the Repealing and Amending Act, 1891, *for* the Code of Criminal Procedure, 1882, *substitute* the Code of Criminal Procedure, 1898.
	XIII	The Cantonments Act, 1889.	In section 6, sub-section (1), *for* in the case of a cantonment for which such a committee has not been constituted, *substitute* where a cantonment committee has not been constituted, or has in pursuance of an order of the Local Government ceased to exist, or for any reason cannot be convened, then, subject to any rules made under section 26, clause (5).
1897	X	The General Clauses Act, 1897	In section 3, clauses (5), (6), (30) and (35), *after* under *insert* the Indian Councils Act, 1861, or. In section 3, *after clause 8, insert the following :—* (8a) "Burma Act" shall mean an Act made by the Lieutenant-Governor of Burma in Council under the Indian Councils Acts, 1861 and 1892 :.

THE SECOND SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Amendments.
Part II.—Acts of the Governor General in Council—contd.			
1897	X	The General Clauses Act, 1897—*contd.*	In section 3, *after clause* (*44*), *insert the following*:— (*44a*) "Punjab Act" shall mean an Act made by the Lieutenant-Governor of the Punjab in Council under the Indian Councils Acts, 1861 and 1892:. In section 3, *after clause* (*55*), *insert the following*:— (*55a*) "United Provinces Act" shall mean an Act made by the Lieutenant-Governor of the North-Western Provinces and Oudh (or of the United Provinces of Agra and Oudh) in Council under the Indian Councils Act, 1861, or the Indian Councils Acts, 1861 and 1892:. In section 20, *before the word* order, *in each of the places in which it occurs, insert* notification. In section 21, *for* make *substitute* issue notifications, *between the words* any *and* orders *insert* notifications, *and for* made *substitute* issued. In section 24, *before the word* order, *in each of the places in which it occurs, insert* appointment, notification; *and before the word* issued, *in each of the places in which it occurs, insert* made or.
1898	V	The Code of Criminal Procedure, 1898.	In section 260, sub-section (*1*), clause (*i*), *after* 451 *insert* 453, 454. In section 555 *for* 553 *substitute* 554. In the second schedule, column 5, against section 195 *for* Bailable *substitute* Not bailable.

THE SECOND SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Amendments.
		Part II.—Acts of the Governor General in Council—concld.	
1898	V	The Code of Criminal Procedure, 1898—*contd.*	In the second schedule, column 8, against section 506 *for* Ditto *substitute* Presidency Magistrate or Magistrate of the first or second class. In the heading to the fifth schedule, *for* 554 *substitute* 555. In the fifth schedule, Form IV, *for* within days from this date *substitute* on the day of . In the fifth schedule, Forms XIII and XIV, *for the passage from* comply *where it occurs for the second time to* released, *substitute* be lawfully ordered to be released.
1900	III	The Prisoners Act, 1900	For section 29 *substitute the following:—* Removal of prisoners. 29. (*1*) The Governor General in Council may, by general or special order, provide for the removal of any prisoner confined in a prison— (*a*) under sentence of death, or (*b*) under, or in lieu of, a sentence of imprisonment or transportation, or (*c*) in default of payment of a fine, or (*d*) in default of giving security for keeping the peace or for maintaining good behaviour, to any other prison in British India. (*2*) The Local Government and (subject to its orders and under its control) the Inspector-General of Prisons may, in like manner, provide for the removal of any prisoner confined as aforesaid in a prison in the Province to any other prison in the Province.

THE SECOND SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Amendments.
		Part III.—Bengal Acts.	
1862	VI	Rent	In section 14, *for* the said Act *substitute* Act X of 1859, *and for* section VII of Act I of 1846 *substitute* section 27 of the Legal Practitioners' Act, 1879.
1865	VII	Slaughter-houses and Meat-markets.	In section 1, *for* the jurisdiction of the Municipal Commissioners of the Suburbs of the Town of Calcutta appointed under the provisions of Act III of 1864 passed by the Lieutenant-Governor of Bengal in Council (*the District Municipal Improvement Act*), *substitute* any limits to which this section has heretofore been, or may hereafter be, extended by notification under section 9.
1866	IV	The Calcutta Police Act, 1866.	In section 25, *for* such officer *substitute* officer of the Police Force. In section 33, *for* the Articles of War for Her Majesty's Army or Her Majesty's Navy or for the native officers or soldiers in Her Majesty's Indian Army, *substitute* the Naval Discipline Act, the Army Act or the Indian Articles of War. In section 95, *for the words* this Act, *in the second place in which they occur, substitute* sections 64 and 67 to 70 of the Indian Penal Code and sections 386, 387 and 389 of the Code of Criminal Procedure, 1898.
1867	IV	Rent (Appeals) . . .	In section 5, *for* the said recited Acts *substitute* the Bengal Rent Act, 1859, or the Bengal Rent Act, 1862.
1869	I	Cruelty to Animals . .	In section 9, *for* the said Act II of 1866 *substitute* Ben. Act II of 1866.
1876	III	The Bengal Irrigation Act, 1876.	In section 95, *for* as a demand under section 1 of the aforesaid Ben. Act VII of 1868, *substitute* under the procedure provided by the Public Demands Recovery Act, 1895, for the recovery of public demands.

THE SECOND SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Amendments.
		Part III.—Bengal Acts—contd.	
1880	IX	The Cess Act, 1880 . .	In section 29, Example B, *for* rate *substitute* ratio.
1884	II	Amendment of the Calcutta Tramways Act, 1880.	In the preamble, *for the words and figures* situate within the local limits of the town as defined in the Calcutta Municipal Consolidation Act, 1876, *substitute* subject to the authority of the Corporation of Calcutta. In section 3, *for the words and figures* in Calcutta but situate beyond the local limits of the town as defined in the Calcutta Municipal Consolidation Act, 1876, *substitute* in those portions of Calcutta, as defined in the Calcutta Municipal Act, 1899, which are not subject to the authority of the Corporation of Calcutta, *and for the words and figures* within the local limits of the town as defined by the Calcutta Municipal Consolidation Act, 1876, *substitute* within the area subject to their authority. In section 4, *for the words and figures* outside the limits of the town as defined by the Calcutta Municipal Consolidation Act, 1876, *substitute* outside the area subject to their authority.
1885	III	The Bengal Local Self-Government Act of 1885.	In section 45, *for* such district *substitute* any district in which this Act is in force. In the reference to section 9 of Bengal Act IX of 1880 in the second Schedule *for* 111 *substitute* 109.
1887	IV	The Chittagong Port Commissioners Act, 1887.	In section 39, clause (*b*), *for* 32 *substitute* 34.
1890	II	Vaccination (amending Bengal Act V of 1880).	In sections 2 and 3, *after* Suburbs *insert* of Calcutta.
"	III	The Calcutta Port Act, 1890.	In section 30, *for* the three next succeeding sections *and* in section 34 *for* any of the three last preceding sections, *substitute* section 31, section 32 or section 33.

THE SECOND SCHEDULE—*concld.*

1	2	3	4
Year.	No.	Subject or short title.	Amendments.
		Part III.—Bengal Acts—concld.	
1890	III	The Calcutta Port Act, 1890—*contd.*	In section 94, *for* vessels *substitute* vessel.
1894	IV	Municipalities . . .	In section 34, *for* Municipality *substitute* Municipalities.
1899	I	The Bengal General Clauses Act, 1899.	In section 3, clause (*6*), *after* under *insert* the Indian Councils Act, 1861, or. In section 25, *before the word* order, *wherever it occurs, insert the word* appointment, *and before the word* issued, *wherever it occurs, insert the words* made or.
		Part IV.—Burma Act.	
1898	I	The Burma General Clauses Act, 1898.	In section 20, *before the word* order, *in each of the places in which it occurs, insert* notification. In section 21, *for* make *substitute* issue notifications, *between the words* any *and* orders *insert* notifications, *and for* made *substitute* issued. In section 24, *before the word* order, *in each of the places in which it occurs, insert* appointment, notification; *and before the word* issued, *in each of the places in which it occurs, insert* made or.
		Part V.—Regulation made under the Government of India Act, 1870 (33 & 34 Vict., c. 3).	
1874	IX	The Arakan Hill District Laws Regulation, 1874.	In the first column of the schedule, *for* II of 1857 *substitute* XI of 1857.

THE THIRD SCHEDULE.

REPEALS.

(*See section 4.*)

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
		Part I.—Regulations of the Bengal Code.	
1793	VIII	The Bengal Decennial Settlement Regulation, 1793.	In section 19, *the words and figures* as the mukurraridars mentioned in section XVIII are supposed to have done. Section 33. In section 66, *the words* or the Courts of Circuit.
„	XIX	Revenue-free Lands (Non-Bádsháhi Grants).	Sections 25 and 35.
„	XXXVII	Revenue-free Lands (Bádsháhi Grants).	In section 2, clause *Second, the words and figures* and proceeded in it as required by section XIV, Regulation III, 1793. Sections 20 and 30.
„	XXXVIII	The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1793.	In section 2, *the words* have been made in opposition to the repeated prohibitions of Government, or which.
1794	III	Native Revenue-officers	In the title, *the words* money or *and the words* embezzle or. In section 16, *the words* a balance of accounts, or money or, *the words* the payment of the money or, *the words* the amount of the money or, *the words* money or, *the words* discharge the money or, *the words* the sum demanded of him shall be discharged or, *and the words from* The Collector is authorized likewise to attach *to* arrears of revenue. In section 17, *the words* money or. In section 18, *the words* money or, *the words* balance or, *and the words* that no part, or a portion only, of the sum demanded was due from him, or. Section 19.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
		Part I.—Regulations of the Bengal Code—contd.	
1794	III	Native Revenue-officers—*contd.*	In section 20, *the words and figures* and shall not obtain his release in the mode specified in section 19, *and the word* nevertheless.
1799	V	The Bengal Wills and Intestacy Regulation, 1799.	In section 2, *the words* under any Regulation relative to the jurisdiction of the Court of Wards. In section 3, *the words* when they are to proceed thereupon according to the general Regulations. In section 7, *the words* or, if the deceased were an European, in the Calcutta Gazette.
1801	I	Land-revenue Assessment	In section 8, *the words and figures from* and the patwári accounts furnished in pursuance of clause Fourth of section LXII, Regulation VIII, 1793, *to* procurable by the officers of Government, *the words and figures* in pursuance of clause Fourth of section LXII, Regulation VIII, 1793, or of any other Regulation, *the words* under the process prescribed in clause Eighth of the above section and Regulation, *and the words and figures from* Moreover, nothing in this Regulation is meant to supersede the rules contained in section LXII, Regulation VIII, 1793, *to the end of the section.* In section 10, *the words* Governor General in Council or.
1805	XII	Land-revenue, Cuttack .	In section 1, *the words from* And whereas the principles *to* confirmed. Sections 2 to 11. In section 31, *the words and figures from* and the rules contained in Regulation XXVII, 1793, *to the end.*
,,	XIII	Police, Cuttack . .	In the title, *the words and figures* and for amending certain provisions contained in Regulation IV, 1804.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
		Part I.—Regulations of the Bengal Code—contd.	
1805	XIII	Police, Cuttack—*contd.*	In section 1, *the words from* And whereas it was the practice *to* general tranquillity of the country. Section 4, clause *Third.* In section 4, clause *Fourth, the words* and third. Sections 5, 6, 7, 10 and 11.
1810	XIX	Charitable Endowments, Public Buildings and Escheats.	In the title, *the words* mosques, Hindu temples *and the words* bridges, serais, kattras and other. In section 1, *the words* mosques, Hindu temples, *the words* pious and *and the words* bridges, serais, kattras and other. In section 2, *the words* mosques, Hindu temples, *the words* pious and, *and the words* and Board of Commissioners in the several districts subject to the control of those Boards respectively. In sections 3, 5, 6 and 8, *the words* and Board of Commissioners. In section 7, *the words* and Board of Commissioners, respectively. In section 10, *the words* to whose authority those agents are respectively subject. In section 14, *the words* or Board of Commissioners. In section 15, *the words* in the mode and form prescribed by the Regulations, where Government or public officers are parties, or under the general provisions of the Regulations, if the suit be brought against a competitor or other private person.
1812	V	Land-revenue Sales	In section 26, *the words* and City. In section 27, *the words* or City.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
		Part I.—Regulations of the Bengal Code—contd.	
1812	XVIII	Leases and Land-revenue .	In section 1, *the words* and Benares.
"	XXIX	Territories bordering on Bundelkhand.	So much as is unrepealed.
1814	V	Ghatwáli Lands . . .	In section 3, *the words* with the sanction of the Governor General in Council.
1816	XXII	Kánúngos . . .	In section 10, *the words* by the Regulations.
1817	XII	Patwáris . . .	In the title, *the words* in the Ceded and Conquered Provinces, the Provinces of Behar and Benares, the district of Cuttack, the Pargana of Patáspur and its dependencies. In section 1, *the words from* but, as for the full attainment *to* organization of that office, *and the words from* to be in force *to* dependent on it. In section 23, *the words* City or. In sections 27 and 29, *the words* In like manner. In section 30, *the words* Provided further that.
1818	III	The Bengal State Prisoners Regulation, 1818.	In section 4, *the words* or City, *wherever they occur.*
1819	I	Kánúngos and Patwáris .	In section 4, clause *Sixth, the words* and Sylhet.
"	II	Land-revenue Assessment (Resumed Lands).	In section 3, clause *First, the words* and fifty bighas if within the Province of Benares.
"	VIII	The Bengal Patni Taluqs Regulation, 1819.	In section 17, clause *Eighth, the words* as shown by the Government Gazette last received.
1820	I	The Bengal Patni Taluqs Regulation, 1820.	In section 2, *the words* or City.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
		Part I.—Regulations of the Bengal Code—contd.	
1822	VII	Land-revenue Settlement .	In the title, *the words* the Ceded and Conquered Provinces including. In section 1, *the words* the district of Gorakhpur, the chaklá of Azamgarh, *the words* and whereas it is also advisable to provide for the revision of the settlement of the Conquered Provinces and of the Province of Bundelkhand, pending the continuance of the existing leases, *and the words* from the date of their promulgation throughout the Ceded and Conquered Provinces. Section 5, clause *First*, and section 6, clause *Fourth*. In section 7, clause *First*, *the words* in the Ceded Provinces or. Section 7, clause *Fourth*. In section 7, clause *Sixth*, *the words* the district of Gorakhpur, the chaklá of Azamgarh. In section 29, clause *First*, *the words* but no petition of appeal shall be received after the expiration of three months from the date of the decision unless sufficient cause shall be shown for the delay to the satisfaction of the Board, *and the words* Provided also that, *in both places in which they occur.* In section 31, clause *Second*, *the words* Provided also that. In section 33, clause *First*, *the word* City. In section 35, *the words* or Board of Commissioners.
"	XI	Government Indemnity .	Section 2.
1823	VI	Indigo Contracts . .	In section 4, clause *Second*, *the words* by the existing Regulations.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
		Part I.—Regulations of the Bengal Code—contd.	
1823	VII	The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1823.	In section 6, *the words* In like manner. Section 7.
1825	VI	The Bengal Troops Transport Regulation, 1825.	In section 2, *the word* Sicca. In section 4, *the words* in whose jurisdiction the district may be situate. In section 5, *the word* proper *and the words* by whom the case may be cognizable.
"	IX	Land-revenue Settlement .	In section 5, clause *Tenth, the words* under the provisions of the existing Regulations.
"	XI	The Bengal Alluvion and Diluvion Regulation, 1825.	In section 5, *the words* and City.
"	XIV	Revenue-free Lands . .	In the title, *the words and figures* and to provide for the due application of the general laws and regulations respecting lands held free of assessment to the territory ceded by Govind Ráo to the British Government and annexed to the zila of Bundelkhand under the provisions of Regulation II, 1818. In section 1, *the words and figures* and it is necessary to make provision for the due application of the general rules in force relative to lákhiráj tenures to the territory ceded by Govind Ráo to the British Government and annexed to the zila of Bundelkhand under the provisions of Regulation II, 1818, *the words* a special appeal only shall lie in the Provincial Courts, and that in like manner in cases decided in the first instance by a Provincial Court, excepting cases ultimately appealable to the King in Council, *the words* on special grounds only, *the words* the above restriction should not apply to, *the words* but that such cases, *and the words and figures* Regulations XLI and XLII, 1795, Regulations XXXI and XXXVI, 1803.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
		Part I.—Regulations of the Bengal Code—contd.	
1825	XIV	Revenue-free Lands—*contd.*	In section 2, *the words* the Lieutenant-Governor and the Board of Commissioners in the Ceded and Conquered Provinces. In section 3, clause *Second, the words and figures from* the 1st July, 1775, *to* 1st November, 1817. In section 3, clause *Fifth, the words and figures* Regulation XLII, 1795, Regulation XXXVI, 1803, and, *and the words and figures from* and with respect to the territory *to* territory referred to. In section 3, clause *Seventh, the words and figures from* for Benares *to* 1st January, 1803, *and the words and figures from* for the pargana *to* 1st November, 1817. In section 4, *the words and figures* Regulation XLI, 1795, Regulation XXXI, 1803.
1827	V	The Bengal Attached Estates Management Regulation, 1827.	In section 2, *the words and figures* and clauses five and six, section XVI, Regulation III, 1803.
1828	III	Land-revenue Assessment (Resumed Lands).	In the title, *the words from* the appointment *to* for otherwise. In section 1, *the words and figures from* By the provisions of Regulation II, 1819, *to* To remedy the aforesaid evils, *and the words from* to appoint special Commissioners *to* relative to such cases; and. Sections 2 to 8. In section 10, clause *Second, the words* whether the same be situated in districts to which the jurisdiction of a special Commissioner has been extended or in any other district, *and the words* or to the Commissioner appointed under this Regulation.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
		Part I.—Regulations of the Bengal Code—contd.	
1828	III	Land-revenue Assessment (Resumed Lands)—*contd.*	In section 12, *the words and figures* Regulations XLI and XLII, 1795, Regulations XXXI and XXXVI, 1803, Regulations VIII. In section 13, clause *First, the words* or before a special Commissioner under this Regulation. In section 13, clause *Second, the words* to a special Commissioner under this Regulation having local jurisdiction for the time being (or, if no such jurisdiction exist).
	IV	Land-revenue Settlement .	Section 1. In section 2, clause *Fourth, the words* by this Regulation and.
1829	I	Revenue Commissioners .	In the title, *the words and figures from* for establishing *to the end.* In section 1, *the words* now vested in the Courts of Circuit, together with those ; *the words* the former under the authority of the Nizamat Adalat, and the latter ; *the words* and altogether to disjoin the functions of the Courts of Circuit from those of the Judges of Appeal ; *and the words and figures from* It has, at the same time, appeared to be necessary *to* superseded by the appointment of Commissioners. In section 2, *the figures and words from* 1st Division *to* Ghazipur, *the words* To be placed under the officer appointed to control the affairs of Arakan, *and the figures and words from* 17th *to* Rungpore. Sections 6 to 8, section 9, clause *First* and section 10.
1833	IV	Convict Labourers . .	The whole.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
		Part I.—Regulations of the Bengal Code—concld.	
1833	IX	Land-revenue (Settlement and Deputy Collectors).	In the title, and in section 1, *the words and figures* and Regulation IV of 1828. Section 2 and the first sentence of section 3. In sections 8, 24 and 25, *the word* Sadr.
		Part II.—Acts of the Governor General in Council.	
1836	XXI	Districts	*The words* and to alter the limits of existing zilas. The whole Act, so far as it applies to the United Provinces of Agra and Oudh.
1837	VI	Land-revenue Settlement, Cuttack.	So much as is unrepealed.
1847	IX	Alluvion and Diluvion .	In section 4, *the word* Government. In sections 5 and 6, *the word* Sadr *where it occurs before the word* Board. In section 9, *the words* Except as regards the proprietary right to islands.
1850	XXXIII	The Sale of Patni-tenures Act, 1850.	So much as is unrepealed.
1853	XIX	The Recusant Witnesses Act, 1853.	So much as is unrepealed, except so far as it is in force in Assam.
1854	XX	Amendment of Bengal Regulation XIII of 1833 (Administration of parts of the Ramgarh Jungle Mahals and Midnapur districts).	The whole.
"	XXVI	Education of male minors subject to Court of Wards.	The whole.
1855	XXXII	Embankments . . .	In section 21, *the words from* words importing the singular *to* females.
1856	XXII	Karatoyá Tolls . .	In section 4, *the words* or other officer exercising the powers of a Magistrate.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
		Part II.—Acts of the Governor General in Council—contd.	
1857	XXI	Offences, Howrah .	In section 54, *the words from* The provisions *to* Provided that.
			Section 55.
			In section 57, *the words* Suburbs or, *in both places in which they occur.*
			In section 59, *the words from* words importing the singular *to* females.
1858	XXXI	Alluvial Land Settlement .	Section 3.
1859	X	Rent	In sections 3 and 15, *the words* and Benares.
			In section 28, *the words and figures* section X, Regulation XLI, 1795, section VI, Regulation XXXI, 1803, section XXI, Regulation VIII, 1805, *and the words from* If such period *to the end.*
			Section 29, the second paragraph.
			In section 32, *the words from* For arrears *to* first expire.
			In section 33, *the words from* or, in the case *to* first expire, *and the words* (except the case of claims now existing as aforesaid).
			In section 163, *the words* Except as provided in the last preceding section.
			In section 168, *the words from* Unless *to* females.
,,	XI	Land-revenue Sales .	In section 18, proviso, *the words* and it is hereby enacted.
			In section 22, *the words* notes or.
			Schedule B.
1867	XXXII	The Chief Commissioners Powers Act.	In the preamble, *the words* and British Burma.
			In section 1, *the words* or British Burma.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
		Part II.—Acts of the Governor General in Council—contd.	
1869	XVI	The Bhutan Duars Act, 1869	So much as is unrepealed.
1870	XXVII	The Indian Penal Code Amendment Act, 1870.	Section 5.
1871	XIX	The Bengal Sessions Courts Act, 1871.	So much as is unrepealed.
1873	XIV	The Lunatic Soldiers' Property Act, 1873.	So much as is unrepealed.
1874	XV	The Laws Local Extent Act, 1874.	So much of sections 6 and 7 and the fourth and fifth Schedules as relates to Act XIX of 1853 (*Recusant Witnesses*). So much of section 7 and the fifth Schedule as relates to Act XXI of 1836 (*Creating Zilas*).
1876	XVIII	The Oudh Laws Act, 1876 .	So much of section 3 and the second Schedule as relates to Act XIX of 1853 (*Recusant Witnesses*).
1877	XI	The Military Lunatics Act, 1877.	In section 3, *the words* and has been ordered to be forwarded to any one of the Presidency-towns.
1878	XII	Laws, Punjab (amending Act IV of 1872).	Section 8.
1880	IV	The Portuguese Treaty Act, 1880.	The whole.
1881	X	The Coroners Act, 1881 .	In section 1, *the words* and shall come into force on the passing thereof.
"	XVII	The Portuguese Convention Act, 1881.	The whole.
1882	XVIII	The Burma Steam-boilers and Prime-movers Act, 1882.	In section 18, *the word* hrice *and the word* last.
1885	IX	The Excise and Sea Customs Law Amendment Act, 1885.	So much of section 4 as is unrepealed.
1886	XV	Land-revenue, United Provinces (amending Act XIX of 1873).	The whole.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
		Part II.—Acts of the Governor General in Council—contd.	
1887	IV	The Indian Museum Act, 1887	Section 4.
1888	X	The Presidency Small Cause Courts Law Amendment Act, 1888.	In the title and preamble, *the words and figures* and the Presidency Small Cause Courts Act, 1882. Section 2 and the second Schedule.
1890	XVII	The Indian Census Act, 1890.	The whole.
1891	XII	The Repealing and Amending Act, 1891.	In the title, *the words* to repeal certain obsolete enactments and *and the word* other. In the preamble, *the words from* Whereas it is expedient *to* repealed; And, *and the word* also. In section 1, *the words* Repealing and. Section 2, sub-section (*1*). So much of section 2, sub-section (*2*), and the second Schedule, Part I, as relates to the following enactments, namely:— Act V of 1869 (Indian Articles of War), Part I, clause (*c*); Act XVII of 1876 (Oudh Land-revenue Act, 1876); and Act XII of 1881. Section 3 and the first Schedule.
1892	IV	The Court of Wards Act (Bengal) Amendment Act, 1892.	In section 1, *the word* and, *and* sub-section (*2*).
1893	II	The Porahat Estate Act, 1893	In section 1, *the word* and, *and* sub-section (*2*).
"	XI	The Tributary Mahals of Orissa Act, 1893.	In the preamble, *the words* to repeal certain enactments relating to the Tributary Mahals of Orissa and. In section 1, *the word* and, *and* sub-section (*3*). Section 2 and the Schedule.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
		Part II.—Acts of the Governor General in Council—contd.	
1894	IV	The Repealing and Amending Act, 1894.	In the title, *the words* to repeal certain obsolete enactments and, *and the word* other. In the preamble, *the words from* Whereas it is expedient *to* repealed; And, *and the word* also. In section 1, *the words* Repealing and. Section 2, sub-section (*1*), section 3 and the first Schedule.
,,	XIII	The Repealing and Amending (Army) Act, 1894.	In section 1, *the words* Repealing and. Section 2, sub-section (*1*), and the first Schedule.
,,	XVI	Tariff (Amending Act VIII of 1894).	The whole.
1895	I	The Presidency Small Cause Courts Act, 1895.	Section 4.
,,	XVI	The Repealing and Amending Act, 1895.	In the title, *the words* to repeal certain obsolete enactments and, *and the word* other. In the preamble, *the words from* Whereas it is expedient *to* repealed; And, *and the word* also. In section 1, *the words* Repealing and. Section 2, sub-section (*1*), section 3 and the first Schedule. So much of the second Schedule as relates to Bombay Act IV of 1882.
1896	VII	The Presidency Small Cause Courts Act (1882) Amendment Act, 1896.	The whole.
,,	XIV	Repealing part of the Government Tenants (Punjab) Act, 1893.	The whole.
1897	II	The Criminal Tribes Act Amendment Act, 1897.	In section 1, *the word* and, *and* sub-section (*2*).
,,	V	The Repealing and Amending Act, 1897.	In the title, *the words* to repeal certain obsolete enactments and, *and the word* other.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
		Part II.—Acts of the Governor General in Council—concld.	
1897	V	The Repealing and Amending Act, 1897—*contd.*	In the preamble, *the words from* Whereas it is expedient *to* specifically repealed; And, *and the word* also *where it first occurs.*
			In section 1, *the words* Repealing and.
			Section 2, sub-section (*1*), section 3 and the first Schedule.
"	X	The General Clauses Act, 1897.	Section 2 and the Schedule.
"	XI	The Bhopal Coinage Act, 1897.	The whole.
1898	III	The Lepers Act, 1898 . .	Section 19.
"	XIII	The Burma Laws Act, 1898 .	In the preamble, *the word* repeal.
			Section 18 and the fifth Schedule.
1900	III	The Prisoners Act, 1900 .	Section 31.
1901	I	Native Military Lunatics (repeal of enactments).	The whole.
"	XI	The Repealing and Amending Act, 1901.	In the preamble, *the words from* And whereas it is also expedient that certain enactments *to* repealed.
			In section 1, *the words* Repealing and.
			Section 3, sub-section (*2*), section 4 and the third Schedule.
		Part III.—Bengal Acts.	
1862	III	Land-revenue Sales . .	In the preamble, *the word* under *where it first occurs, and the words* and farms *where they first occur.*
			In section 2, the first two paragraphs.
"	VI	Rent	Section 1.
			In sections 2, 3, 12, 14 and 16, *the words* hereafter to be brought.
			In section 8, *the words* instituted after the passing of this Act.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
		Part III.—Bengal Acts—contd.	
1862	VI	Rent—*contd.* . . .	In section 14, *the words and figures* So much of section LXXI of Act X of 1859 as directs that no fee for any agent shall be charged as part of the costs of suit in any case under the Act is hereby repealed. In section 17, *the words* hereafter to be instituted. In section 18, *the words* after the date of the passing of this Act. In section 21, *the words* except as regards suits instituted thereunder before the passing of this Act. In Schedules A and B, *the word* Company's, *wherever it occurs.*
1863	II	Smoke Nuisances, Calcutta and Howrah.	In section 1, *the words and figures* on and after the first day of July, 1864, *and the words and figures* on or after the said first day of July, 1864, and. Section 6. In section 7, *the words and figures from* All penalties imposed *to* time being.
1864	V	The Canals Act, 1864 . .	In the preamble, *the word* the, *where it occurs before the word* canals, *and the words* specified in the Regulations and Acts in the Schedule to this Act annexed. In section 1, *the words from* Words importing the singular *to* feminine. In section 2, the last thirty-four words. In section 3, *the words and figures* Act VI of 1857 (*for the acquisition of land for public purposes*) or of, *the word* other, *and the words* that may now or hereafter be. Section 17 and the Schedule.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
		Part III.—Bengal Acts—contd.	
1864	VII	The Salt Act, 1864 . .	In section 3, *the words* the word "Magistrate" shall mean any person exercising the full powers of a Magistrate under the Code of Criminal Procedure, *and the words from* words importing the singular *to* feminine. Sections 35 and 36. In section 40, *the words and figures* section 35 of.
1865	III	Fire in Ports . . .	So far as it is unrepealed.
"	IV	Prevention of Inoculation .	In section 4, as in force in Bengal, *the words* and to the recovery of fines. In section 4, *the words and figures from* beyond the town of Calcutta *to* said town.
"	VII	Slaughter-houses and Meat-markets.	In the title and preamble, *the words* in the Suburbs of Calcutta. In section 8, *the words and figures* and the magisterial powers conferred upon the Municipal Commissioners by section VI of the above Act shall be exercised by them for all the purposes of this Act.
"	VIII	Rent Recovery (Under-tenures).	In section 1, the second sentence.
1866	II	Calcutta Suburban Police .	Section 31. In section 51, *the words from* words importing the singular *to* females. Section 52.
"	III	Bengal Legislative Council (Witnesses).	In section 6, *the words from* words importing the singular *to* feminine.
"	IV	The Calcutta Police Act, 1866	In section 3, *the words from* words importing the singular *to* females. In section 77, *the words and figures* or with any of the offences numbered 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 20, 21, 22, 23, 24 and 25 in section 26 of this Act. Form B in the Schedule.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
		Part III.—Bengal Acts—contd.	
1866	VII	Embankments . . .	In section 10, *the words from* words in the singular *to* females.
1867	II	Public Gambling . .	In section 1, *the words from* words importing the masculine *to the end.*
			In section 14, *the words and figures from* The provisions *to* shall apply to, *the words* and penalties, *the words* in any town or place other than the town of Calcutta; and such fines, *and the words and figures from* And the provisions *to the end.*
			In section 16, *the words* from and after the passing of this Act, *in both places in which they occur.*
			Section 17.
"	III	Ports	In section 1, *the words* words importing the singular number include the plural, and words importing the plural number include the singular.
			In section 15, *the words* and hospital port-dues, *and the word* respectively.
			In section 17, *the words from* and the provisions, *where they first occur, to the end.*
			In the third Schedule, *the figures* 11, *and the words from* Hospital port-dues *to the end.*
"	IV	Rents (Appeals) . . .	The title and preamble.
			Sections 2, 3 and 4.
			In section 5, *the words* From and after the passing of this Act.
"	X	Land-revenue Settlement, Cuttack.	The whole.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
		Part III.—Bengal Acts—contd.	
1868	VII	Land-revenue Sales . .	In sections 3 and 4, *the words* From the date when this Act comes into operation. In section 3, *the words from* and the words *to the end.* Section 9 and Schedules A, B, C and D.
1869	V	Place of sitting of Courts of Session.	The whole.
"	VII	Police	Section 1.
1871	IV	The Puri Lodging-house Act, 1871.	In section 3, *the words* From and after the passing of this Act. In section 7, *the words* After the passing of this Act. Section 39.
"	VII	Calcutta Port Improvement (amending Ben. Act V of 1870).	The whole.
"	XI	Census	The whole.
1874	I	Calcutta Suburban Police .	So much as is unrepealed.
1875	IV	Realization of famine loans.	The whole.
"	V	The Bengal Survey Act, 1875.	In section 1, *the words from* and shall *to* General.
1876	III	The Bengal Irrigation Act, 1876.	Section 2 and Schedule A.
"	VI	The Agrarian Disputes Act, 1876.	The whole.
"	VII	The Land Registration Act, 1876.	In section 1, *the words from* and it shall *to the end.* Section 2 and the Schedule.
1878	V	Land Registration . .	Section 2.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
		Part III.—Bengal Acts—contd.	
1878	VII	The Bengal Excise Act, 1878	The concluding paragraph of section 3.
			In section 51, *the words* except in the town of Calcutta, *and the words and figures* and, in the said town, the provisions of sections 164, 165 and 166 of the Presidency Magistrates' Act.
1879	I	The Chota Nagpur Landlord and Tenant Procedure Act.	In section 1, *the words* and the Tributary Mahals, *and the words from* And it shall *to the end.*
			Sections 3 and 4.
			In section 150, *the words and figures* or of Bengal Act VI of 1876.
			Schedule A.
"	II	Puri Lodging-houses . .	In the preamble, *the words and figures* to places other than those specified in section 39 of the said Act.
			Section 1.
"	III	Steam-boilers and Prime-movers.	In the title and preamble, *the words* in the town and suburbs of Calcutta and in Howrah.
			In section 1, *the words from* and it shall *to* General.
			In section 12, *the words from* No charge shall *to* Calcutta Gazette and.
"	VI	The Darjeeling Steam Tramway Act.	In section 1, *the words from* And it shall *to the end.*
"	VIII	Rent Settlement . .	In section 1, *the words from* and it shall *to the end.*
			Section 2.
			In section 4, *the words and figures* or in sections 14, 15 and 18 of Bengal Act VIII of 1869.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
		Part III.—Bengal Acts—contd.	
1879	IX	The Court of Wards Act, 1879.	In section 2, *the words and figures from* And all suits *to the end.*
1880	I	The Calcutta Tramways Act, 1880.	In section 1, *the words from* and it shall *to the end.*
"	VI	The Bengal Drainage Act, 1880.	In section 1, *the words from* and it shall *to the end.*
			Sections 60 to 63.
"	VIII	The Bengal Contagious Diseases (Animals) Act, 1880.	In section 1, *the words from* and it shall *to the end.*
"	IX	The Cess Act, 1880 . .	In section 1, *the words from* and it shall *to the end.*
1881	V	The Calcutta Burial Boards Act, 1881.	In section 1, *the words from* and it shall *to the end.*
1882	II	The Bengal Embankment Act, 1882.	In section 1, *the words from* And it shall *to the end.*
			In section 2, *the words* From such day.
			In section 46, *the words* after the commencement of this Act.
1883	I	Excise	Section 13.
"	III	The Bengal Tramways Act, 1883.	In section 1, *the words from* It shall *to the end.*
1884	I	Puri Lodging-houses . .	Section 1.
"	II	Amendment of the Calcutta Tramways Act, 1880.	In section 1, *the words from* And it shall *to the end.*
			Section 2.
"	III	The Bengal Municipal Act, 1884.	In section 1, *the words from* But any notification *to the end.*
			In section 2, *the words* On the commencement of this Act, *and the words* And all proceedings now pending, which may have been commenced under any such enactment, shall be deemed to be commenced under this Act.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
		Part III.—Bengal Acts—contd.	
1884	V	Calcutta Municipality . .	The whole.
1886	I	Village Chaukidars . .	In section 1, *the words from* from the date *to the end.*
"	II	Calcutta and Suburban Police	Section 1.
"	III	Municipalities . . .	Section 1.
1887	I	The Calcutta Survey Act, 1887.	In section 1, *the words from* and shall *to* General.
"	V	The Chota Nagpur Rural Police Act, 1887.	In section 1, *the words from* and shall *to* General. In section 38, *the words and figures from* Act VIII *to* repealed and.
1888	I	Municipalities . . .	The whole.
"	III	The Howrah Bridge Act Amendment Act, 1888.	In section 2, *the words from* and it shall *to the end.*
1889	III	Loan by Calcutta Port Commissioners to Calcutta Corporation.	The whole.
"	IV	Calcutta Burial Boards .	Section 1.
1890	I	Calcutta and Suburban Police (Superannuation Fund).	Sections 1 and 3.
"	II	Vaccination (amending Bengal Act V of 1880).	Section 1. Section 4, sub-section (*3*).
1891	II	The Calcutta Hackney Carriage Act, 1891.	Section 1, sub-section (*2*).
1892	1	Village Chaukidars . .	Section 2, sub-section (*1*), and sections 6 and 12.
1893	I	The Licensed Warehouse and Fire-brigade Act, 1893.	Section 1, sub-section (*3*). In section 4, *the words* From and after the commencement of this Act.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
		Part III.—Bengal Acts—contd.	
1893	I	The Licensed Warehouse and Fire-brigade Act, 1893—*contd.*	In section 27, *the words and figures* or at the credit of any fund appropriated to the maintenance of the fire-brigade under the provisions of Act IV of 1883 at the time when this Act comes into force.
1894	I	The Licensed Warehouse and Fire-brigade Amendment Act, 1894.	In section 1, *the words from* and shall *to the end.* Sections 4 and 5.
,,	II	Calcutta Port . . .	Section 1.
,,	III	The Calcutta Tramways Act, 1894.	In section 1, *the words from* and it shall *to the end.*
,,	IV	Municipalities . . .	In section 1, *the words from* and it shall *to the end.* Sections 5, 9, 46, 51, 77, 83 and 89.
,,	VI	Municipalities . . .	The whole.
1895	I	The Public Demands Recovery Act, 1895.	Section 1, sub-section (3).
,,	II	Calcutta and Suburban Police	Section 1.
,,	IV	Calcutta Port . . .	Section 1, sub-section (2), and sections 4, 6, 14 and 16.
,,	VI	Calcutta Port . . .	Section 1, sub-section (2). In section 2, *the words and figures* as amended by section 4 of Act IV (B. C.) of 1895. In section 5, *the words and figures* as amended by section 14 of Act IV of 1895 (B. C.). In section 6, *the words and figures* as amended by section 16 of Act IV of 1895 (B. C.).
,,	VII	The Bhutan Duars Repealing Act, 1895.	The whole.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
		Part III.—Bengal Acts—concld.	
1895	VIII	The Bengal Sanitary Drainage Act, 1895.	Section 1, sub-section (*3*).
"	IX	The Calcutta Electric Lighting Act, 1895.	Section 1, sub-section (*2*).
1896	II	Municipalities . . .	Section 1, section 9, sub-section (*4*), and section 19.
1897	I	Public Demands Recovery .	Sections 1 and 3.
"	IV	The Chota Nagpur Commutation Act, 1897.	Section 2.
1898	I	The Calcutta Police Act, 1898.	In section 1, *the word* and, *and* sub-section (*2*).
"	II	The Calcutta Port (Amendment) Act, 1898.	In section 1, *the word* and, *and* sub-section (*2*).
"	III	The Bengal Tenancy (Amendment) Act, 1898.	In section 1, *the word* and, *and* sub-section (*2*). Section 11.
1899	I	The Bengal General Clauses Act, 1899.	Section 2.
"	III	The Calcutta Municipal Act, 1899.	In section 1, *the words and figures* and (*3*) It shall come into force on the first day of April, 1900. The proviso to section 1. In section *2*, *the words and figures* On and from the said first day of April, 1900. Section 60, sub-section (*1*).
1900	I	The Darjeeling Municipal Act, 1900.	In the preamble, *the words* and to provide for the temporary exercise by the Local Government of certain powers of the Commissioners of the Darjeeling Municipality. Section 23. Part II (sections 24 to 28). Schedules E, F and G.
"	II	The Calcutta Municipal Act, 1900.	The whole.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
		Part IV.—Madras Acts.	
1880	II	Repealing Madras Act III of 1863.	The whole.
1881	II	Repealing Madras Act I of 1868.	The whole.
1882	II	Repealing Madras Regulation XIV of 1816.	The whole.
		Part V.—Bombay Acts	
1872	I	Police, Bombay Town .	So much as is unrepealed.
1879	I	District Municipalities .	So far as it is unrepealed.
"	II	Police, Bombay Town . .	The whole.
1882	IV	Police, Bombay Town . .	The whole.
1885	IV	Local Boards and District Municipalities.	In the title, *the words and figures* and the Bombay District Municipal Act Amendment Act, 1884. Section 5 and the preamble prefixed thereto.
1888	I	Local Boards and District Municipalities.	In the title and preamble *the words and figures* and the Bombay District Municipal Act Amendment Act, 1884. In section 1, *the words and figures* and to section 18 of the Bombay District Municipal Act Amendment Act, 1884.
1892	III	The Bombay Abkári Act Amendment Act, 1892.	Section 5.
		Part VI.—United Provinces Act.	
1894	I	Repealing the Tarai Regulation, 1876.	The whole.
		Part VII.—Regulations made under the Government of India Act, 1870 (33 & 34 Vict., c. 3).	
1871	I	Peshawar District Limitation Regulation, 1871.	The whole.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
Part VII.—Regulations made under the Government of India Act, 1870 (33 & 34 Vict., c. 3)—contd.			
1872	III	The Sonthál Parganas Settlement Regulation.	So much of section 3, sub-section (*1*), and the schedule (as amended by section 3 of the Sonthál Parganas Justice and Laws Regulation, 1899) as relates to the following enactments, namely :— Act XXXVIII of 1850 (The Sale of Patni Tenures Act, 1850) ; Act XV of 1869 (The Prisoners' Testimony Act, 1869) ; Act I of 1882 (The Assam Labour and Emigration Act, 1882) ; Act IX of 1882 (The Prisoners Act Amendment Act, 1882) ; Act V of 1888 (The Inventions and Designs Act, 1888), section 2 ; Act VII of 1893 (The Inland Emigration Act, 1893) ; Act VII of 1894 [The Prisoners Act (1871) Amendment Act, 1894] ; Bengal Act I of 1889 (The Inland Emigrants' Health Act, 1889) ; Bengal Act VI of 1894 (Municipalities); Bengal Act V of 1895 (The Lepers Act, 1895) ; and Regulation III of 1886 (The Sonthál Parganas Laws Regulation, 1886). In section 25 *the words* if any suit affecting such rights be pending at the time when this Regulation shall come into operation, or.
1873	V	Bengal Eastern Frontier Regulation, 1873.	In the preamble, *the words* and Chittagong Hills.
1874	IX	The Arakan Hill District Laws Regulation, 1874.	So much of section 3 and the Schedule as relates to Act XXXIV of 1855 (Enforcement of judgments of Charter Courts) and Act XXXII of 1867 (The Chief Commissioners' Powers Act).

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
Part VII.—Regulations made under the Government of India Act, 1870 (33 & 34 Vict., c. 3)—contd.			
1881	III	The Chittagong Hill Tracts Frontier Police Regulation, 1881.	In section 1, *the words from* and it shall *to the end.*
1886	II	The Sonthál Parganas Rent Regulation, 1886.	The preamble *to* made and. Section 1, sub-section (*2*), and section 5. In section 22, sub-section (*1*), *the words and figures* under Bengal Act VII of 1880.
„	III	The Sonthál Parganas Laws Regulation, 1886.	So much as is unrepealed.
„	VII	The Upper Burma Criminal Justice Regulation, 1886.	So much as is unrepealed.
1890	I	The British Baluchistan Laws Regulation, 1890.	So much of section 3, sub-section (*1*), and the schedule as relates to Act XIV of 1873 (Lunatic Soldiers).
„	VI	Criminal Justice, Upper Burma.	The whole.
1893	V	The Sonthál Parganas Justice Regulation, 1893.	Section 2.
„	IX	The Ajmer Repealing and Amending Regulation, 1893.	In the title, *the words* to repeal certain obsolete enactments and, *and the word* other. In the preamble, *the words from* Whereas it is expedient *to* repealed; And, *and the word* also. In section 1, *the words* Repealing and. Section 2, sub-section (*1*), section 3 and the first Schedule.

THE THIRD SCHEDULE—*concld.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
Part VII.—Regulations made under the Government of India Act, 1870 (33 & 34 Vict., c. 3)—concld.			
1894	I	The Angul District Regulation, 1894.	So much of section 3, sub-section (*1*), and the schedule as relates to the following Acts, namely :— Act XIV of 1866 (Post Office) ; Act I of 1868 (General Clauses) ; Act XV of 1869 (Prisoners' Testimony); Act X of 1870 (Land Acquisition) ; Act XXVI of 1870 (Prisons) ; Act I of 1879 (Stamps) ; Act X of 1882 (Criminal Procedure) ; Act XVIII of 1883 (Cattle-trespass) ; Act I of 1887 (General Clauses) ; Act XII of 1890 (Tariff) ; Bengal Act II of 1864 (Jails) ; and Bengal Act V of 1867 (General Clauses). In section 3, sub-section (*2*), *the words* or to have been, *the words* shall have been expressly extended thereto or, *and the word* so. Section 3, sub-section (*2*), proviso. In column 1 of Part II of the schedule, in the entry relating to Act X of 1873 (Oaths), *the words and figures* (except the first sentence of section 16).
1899	III	The Sonthál Parganas Justice and Laws Regulation, 1899.	In section 1, *the word* and, *and* sub-section (*2*).
1900	I	The Chittagong Hill Tracts Regulation, 1900.	Section 20.
,,	III	The Sonthál Parganas Rural Police Regulation, 1900.	In section 1, *the words and figure* and (*3*) It shall come into force at once.
1901	VII	The North-West Frontier Province Law and Justice Regulation, 1901.	So much of Part I of the First Schedule as relates to section 31 of the Prisoners Act, 1900.

Government of India Central Printing Office—No. 77 L. D.—30-6-03—6,000.—W. D'R.

DIVISIONAL FOREST OFFICER
DHARWAR
No 977

ACT No. II OF 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 6th March, 1903.)

An Act to amend the Indian Post Office Act, 1898.

WHEREAS it is expedient to amend the Indian Post Office Act, 1898; It is hereby enacted as follows:— VI of 1898.

1. This Act may be called the Indian Post Office (Amendment) Act, 1903. Short title.

2. At the end of clause (*b*) of section 2 of the Indian Post Office Act, 1898, the following shall be added, namely:— VI of 1898. Addition to Act VI of 1898, section 2, clause (*b*).

"Provided that the expression 'inland' shall not apply to any class of postal articles which may be specified in this behalf by the Governor General in Council by notification in the Gazette of India, when posted in or at or addressed to any places or post offices which may be described in such notification."

Price one anna.]

Government of India Central Printing Office.—No. 912 L. D.—7-4-1903.—5,500.—R B.

DIVISIONAL FOREST OFFICER
DHARWAR
No 978

THE INDIAN ELECTRICITY ACT (III OF 1903).

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[*Price twelve annas.*]

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THE SCHEDULE.

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ACT No. III of 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 13th March, 1903.)

An Act to make better provision for facilitating and regulating the supply and use of electrical energy for lighting and other purposes.

WHEREAS it is expedient to make better provision for facilitating and regulating the supply and use of electrical energy for lighting and other purposes; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Indian Electricity Act, 1903.

(*2*) It extends to the whole of British India, inclusive of British Baluchistan and the Santhal Parganas; and

(*3*) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, direct in this behalf.

Definitions.

2. In this Act, expressions defined in the Indian Telegraph Act, 1885, have the meanings assigned to them in that Act, and, unless there is anything repugnant in the subject or context,— XIII of 1885.

(*a*) "aërial line" means any electric supply-line which is placed above ground and in the open air:

(*b*) the expression "area of supply" means the area within which alone a licensee is for the time being authorized to supply energy:

(*c*) consumer

(*c*) "consumer" means any person supplied, or entitled to be supplied, with energy by a licensee:

(*d*) the expression "consumer's terminals" means the ends of the electric lines situate upon any consumer's premises and belonging to him, at which the supply of energy is delivered from the service lines:

(*e*) "daily fine" means a fine for each day on which an offence is continued after conviction therefor:

(*f*) "distributing main" means the portion of any main which is used for transmitting energy to service lines for the purposes of general supply:

(*g*) "electric supply-line" means a wire, conductor or other means used for conveying, transmitting or distributing energy for any purpose, together with any casing, coating, covering, tube, pipe or insulator enclosing, surrounding or supporting the same or any part thereof or any apparatus connected therewith for the purpose of so conveying, transmitting or distributing such energy:

(*h*) "electrical power" means the rate per unit of time at which energy is supplied:

(*i*) "energy" means electrical energy expended at a rate greater than twenty-five watts:

(*j*) "general supply" means the general supply of energy to ordinary consumers, and includes, in the absence of a special agreement to the contrary with the Government or with a local authority, the general supply of energy for public lamps, but does not include the supply of energy to particular consumers under special agreements:

(*k*) "licensee" means any person licensed under Part II to supply energy:

(*l*) "main"

(*l*) "main" means any electric supply-line which is laid by a licensee in any street and through which energy may be supplied, or is intended to be supplied, by the licensee for the purpose of general supply:

(*m*) "plan" includes a section:

(*n*) "purpose" includes any purpose except the transmission of a message:

(*o*) "service line" means any electric supply-line through which energy may be supplied, or is intended to be supplied, by a licensee, to a consumer either from a main or directly from the licensee's premises:

(*p*) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway: and

(*q*) the expression "works" includes electric supply-lines and any buildings, machinery or apparatus required to supply energy and to carry into effect the objects of a licensee.

PART II.

Supply of Energy to the Public.

Supply of energy for traction or to the public for any purpose to be licensed.

3. (*1*) No person shall supply energy for electric traction or to the public for any purpose except under, and in accordance with the terms and conditions of, a license granted by the Local Government under this Part:

Provided that nothing in this section shall apply to any railway or tramway subject to the provisions of the Indian Railways Act, 1890.

IX of 1890.

(*2*) Where any difference or dispute arises as to whether energy is or is not supplied or to be supplied for

for electric traction or to the public for any purpose within the meaning of sub-section (*1*), the matter shall be referred to the Local Government, and the decision of the Local Government thereon shall be final.

Grant and revocation of licenses.

4. (*1*) The Local Government may grant a license to any person to supply energy for any purpose in any specified local area, and also to lay down electric supply-lines for the conveyance and transmission of energy from a generating station situated outside such specified local area to the boundary of such specified local area in any case in which the energy to be supplied is to be generated outside such specified local area; and in respect of every such license and the grant thereof the following provisions shall have effect, namely :—

(*a*) Before granting a license under this Part the Local Government shall consult every local authority concerned, and, where such local authority advances any objection to the grant of a license, the Local Government shall take such objection into consideration and, if in its opinion it is insufficient, shall record in writing and communicate to such local authority its reasons for such opinion.

(*b*) Any person applying for a license under this Part shall publish a notice of his application in such manner and with such particulars as the Governor General in Council may by rule direct, and no such license shall be granted until three months from the date of the first publication of such notice as aforesaid have expired and until all representations or objections received by the Local Government within that period with reference thereto have been considered by it.

(*c*) No

(*c*) No application for a license under this Part shall be made by any local authority except in pursuance of a resolution passed at a meeting of such authority held after one month's previous notice of the same and of the purpose thereof has been given in the manner in which notices of meetings of such local authority are usually given.

(*d*) A license under this Part may prescribe such terms as to the limits within which, and the conditions under which, the supply of energy is to be compulsory or permissive, and as to the limits of price to be charged in respect of the supply of energy, and generally as to such other matters as the Local Government may think fit.

(*e*) The grant of a license under this Part for any purpose shall not in any way hinder or restrict the grant of another license to another person within the same area of supply for a like purpose.

(*f*) The provisions contained in the Schedule shall be deemed to be incorporated with, and to form part of, every license granted under this Part, save in so far as they are expressly added to, varied or excepted by the license, and shall, subject to such additions, variations or exceptions (if any) which the Local Government, with the previous sanction of the Governor General in Council, is hereby empowered to make, apply to the undertaking authorized by the license, and shall be binding in like manner and to the same extent as if enacted in this Act.

(*2*) The Local Government may, if in its opinion the public interest so requires, revoke a license, as to

the

the whole or any part of the area of supply, in any of the following cases, namely:—

(*a*) where the licensee, in the opinion of the Local Government, makes wilful and unreasonably prolonged default in doing anything required of him by or under this Act;

(*b*) where the licensee breaks any of the terms or conditions of his license the breach of which is expressly declared by such license to render it liable to revocation;

(*c*) where the licensee not being a local authority fails, within a period of six months after the date of his license or such further period as the Local Government may determine and before exercising any of the powers conferred on him thereby in relation to the execution of works, to show, to the satisfaction of the Local Government, that he is in a position fully and efficiently to discharge the duties and obligations imposed on him by his license, or fails to make the deposit or furnish the security required by his license;

(*d*) where the licensee is, in the opinion of the Local Government, unable, by reason of his insolvency, fully and efficiently to discharge the duties and obligations imposed on him by his license;

(*e*) where the licensee, not being a local authority, shows, to the satisfaction of the Local Government, at any time after the commencement of his license, that his undertaking cannot be carried on with profit and ought to be abandoned;

(*f*) where the licensee supplies energy by means of some system not approved by the Local Government;

(*g*) in

(*g*) in any other case, with the consent of the licensee and, if the licensee is not a local authority, with that of the local authority (if any) concerned, and upon such terms and conditions as it thinks just:

Provided that the Local Government shall not revoke the license as to part only of the area of supply if the licensee represents that he desires to be relieved of his liabilities in respect of the whole.

(*3*) Where the Local Government might, under sub-section (*2*), revoke a license, it may, instead of revoking the license, permit it to remain in force subject to such further terms and conditions as it thinks fit, and any further terms or conditions shall be binding upon, and be observed by, the licensee, and shall be of like force and effect as if they were contained in the license.

Provisions where license of licensee, not being a local authority, is revoked.

5. Where the Local Government revokes the license of any licensee, not being a local authority, as to the whole or any part of the area of supply, the following provisions shall have effect, namely:—

(*a*) The Local Government shall serve a notice of the revocation upon the licensee and upon any local authority concerned, and shall in the notice fix a date on which the revocation shall take effect, and on and with effect from that date all the powers and liabilities of the licensee under this Act shall absolutely cease and determine.

(*b*) Within one month after the service of such notice as aforesaid any local authority concerned may, if the Local Government has intimated to the local authority that it is at liberty so to do, by notice in writing, require the licensee to sell, and thereupon the licensee shall sell, to the local authority the undertaking or such part thereof as is carried on within the area for which

which it is constituted, on payment of the value of all lands, buildings, works, materials and plant of the licensee suitable to, and used by him for, the purpose of the undertaking or such part thereof as aforesaid, such value to be, in case of difference or dispute, determined by arbitration:

Provided that the value of such lands, buildings, works, materials and plant shall be deemed to be their fair market-value at the time of purchase, due regard being had to the nature and condition for the time being of such lands, buildings, works, materials and plant, and to the state of repair thereof, and to the circumstance that they are in such a position as to be ready for immediate working, and to the suitability of the same for the purposes of the undertaking, and, where a part only of the undertaking is purchased, to any loss occasioned by severance, but without any addition in respect of compulsory purchase or of good will or of any profits which may be or might have been made from the undertaking, or of any similar considerations.

(*c*) Where no purchase has been effected by a local authority under clause (*b*), and any other person is willing to purchase the undertaking or such part of it as aforesaid, the Local Government may, if it thinks fit, with the consent of the licensee, or without the consent of the licensee in case the price is not less than that for which the local authority might have purchased the same, require the licensee to sell, and thereupon the licensee shall sell, to such other person the undertaking or such part thereof as aforesaid.

(*d*) Where

(*4*) Not less than twelve months' notice in writing of any election to purchase under this section shall be served upon the licensee by the local authority or the Local Government, as the case may be.

(*5*) Notwithstanding anything hereinbefore contained, the local authority may, with the previous sanction of the Local Government, waive its option of purchase and enter into an agreement with the licensee for the working by him of the undertaking, or such portion thereof as is in the area for which such authority is constituted, until the expiration of the next subsequent period referred to in sub-section (*1*), upon such terms and conditions as may be stated in such agreement.

Provisions where no purchase and license revoked with consent of licensee.

8. Where, on the expiration of any of the periods referred to in section 7, sub-section (*1*), neither the local authority nor the Local Government purchases the undertaking or any portion thereof, and the license is, with the consent of the licensee, revoked, the licensee shall have the option of disposing of all lands, buildings, works, materials and plant belonging to the undertaking in such manner as he may think fit:

Provided that, if the licensee does not exercise such option within a period of six months, the Local Government may proceed to take action as provided in section 5, clause (*f*).

Licensee not to purchase, or associate himself with, other licensed undertakings or transfer his undertaking.

9. (*1*) The licensee shall not, at any time without the previous consent in writing of the Local Government, acquire, by purchase or otherwise, the undertaking of, or associate himself with, any person supplying, or intending to supply, energy under any other license, and, before applying for such consent, the licensee shall give not less than one month's notice of the application to every local authority, both in the licensee's area of supply, and also in the area or district in which such other person supplies, or intends to supply, energy.

(*2*) The

(*2*) The licensee shall not at any time transfer his undertaking, or any part thereof, by sale, mortgage, lease, exchange or otherwise without the previous consent in writing of the Local Government.

(*3*) Any agreement relating to any transaction of the nature described in sub-section (*1*) or sub-section (*2*) which may be made without such consent as aforesaid shall be void.

General power for Local Government to vary terms of purchase.

10. Notwithstanding anything in sections 5, 7 and 8, the Local Government, with the previous sanction of the Governor General in Council, may, in any license granted under this Act, vary the terms upon which a licensee shall be bound to sell his undertaking.

Annual accounts of licensee.

11. (*1*) Every licensee shall prepare and render to the Local Government, on or before such date in each year as the Local Government may by rule fix, an annual statement of accounts of his undertaking made up to such date, in such form, and containing such particulars, as may be prescribed by the said rule.

(*2*) The licensee shall keep copies of such annual statement at his office and sell the same to any applicant at a price not exceeding one rupee per copy.

Provisions as to the opening and breaking up of streets, railways and tramways.

12. (*1*) Any licensee may, from time to time but subject always to the terms and conditions of his license,—

(*a*) open and break up the soil and pavement of any street, railway or tramway within the area of supply;

(*b*) open and break up any sewer, drain or tunnel in or under any such street, railway or tramway;

(*c*) lay down and place within the area of supply electric supply-lines and other works;

(*d*) repair, alter or remove the same; and

(*e*) do

time give such further information in relation thereto as may be desired.

(*b*) If the repairing authority intimates to the licensee that it disapproves of such works or plan, or approves thereof subject to amendment, the licensee may, within one week of receiving such intimation, appeal to the Local Government, whose decision, after considering the reasons given by the repairing authority for its action, shall be final.

(*c*) If the repairing authority fails to give notice in writing of its approval or disapproval to the licensee within one month, it shall be deemed to have approved of the works and plan, and the licensee, after giving not less than forty-eight hours' notice in writing to the repairing authority, may proceed to carry out the works in accordance with the notice and plan served under clause (*a*).

(*d*) If the owner disapproves of such works or plan, or approves thereof subject to amendment, he may, within three weeks after the service of the notice under clause (*a*), serve a requisition upon the licensee demanding that any question in relation to the works, or to compensation, or to his obligations to others in respect thereof, shall be determined by arbitration, and thereupon the matter shall, unless settled by agreement, be determined by arbitration.

(*e*) Where no requisition has been served by the owner upon the licensee under clause (*d*), the owner shall be deemed to have approved of the works and plan, and in that case, or where after a requisition

tion for arbitration the matter has been determined by arbitration, the works may, upon payment or securing of compensation, be executed according to the notice and plan, subject to such modifications as may have been determined by arbitration or agreed upon between the parties.

(*f*) Where the works to be executed consist of the repair, renewal or amendment of existing works of which the character or position is not to be altered, the licensee shall, except in cases of emergency, give to the repairing authority, or to the owner, as the case may be, not less than forty-eight hours' notice in writing of his intention to execute such works, and, on the expiry of such notice, such works shall be commenced forthwith and shall be carried on with all reasonable despatch, and, if possible, both by day and by night until completed.

(*2*) Where the licensee makes default in complying with any of these provisions, he shall make full compensation for any loss or damage incurred by reason thereof, and, where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by arbitration.

(*3*) Notwithstanding anything in this section, the licensee may, in case of emergency due to the breakdown of an underground electric supply-line, after giving notice in writing to the repairing authority or the owner, as the case may be, of his intention to do so, place an aërial line without complying with the provisions of sub-section (*1*):

Provided that such aërial line shall be used only until the defect in the underground electric supply-line can be made good, and in no case for a period exceeding

exceeding six weeks, and shall be removed as soon as may be after such defect is removed.

Alteration of pipes or wires.

14. (*1*) Any licensee may alter the position of any pipe (not forming, in a case where the licensee is not a local authority, part of a local authority's main sewer), or of any wire under or over any place which he is authorized to open or break up, if such pipe or wire is likely to interfere with the exercise of his powers under this Act; and any person may alter the position of any electric supply-lines or works of a licensee under or over any such place as aforesaid, if such electric supply-lines or works are likely to interfere with the lawful exercise of any powers vested in him.

(*2*) In any such case as aforesaid the following provisions shall, in the absence of an agreement to the contrary between the parties concerned, apply, namely:—

(*a*) Not less than one month before commencing any alteration, the licensee or other person desiring to make the same (hereinafter in this section referred to as "the operator") shall serve upon the person for the time being entitled to the pipe, wire, electric supply-lines or works, as the case may be (hereinafter in this section referred to as "the owner"), a notice in writing, together with a plan, on a scale which shall not be smaller than eighty-eight feet to the inch, or such other scale as the Local Government may approve, describing the proposed alteration, and intimating the time when it is to be commenced, and shall subsequently give such further information in relation thereto as the owner may desire.

(*b*) Within fourteen days after the service of the notice and plan upon the owner, the owner

may

may serve upon the operator a requisition to the effect that any question arising upon the notice or plan shall be settled by arbitration, and thereupon the matter shall, unless settled by agreement, be determined by arbitration.

(*c*) Every arbitrator to whom a reference is made under clause (*b*), shall have regard to any duties or obligations which the owner is under, and may require the operator to execute any temporary or other works so as to avoid as far as possible interference therewith.

(*d*) Where no requisition is served upon the operator under clause (*b*), or where such a requisition has been served and the matter has been settled by agreement or determined by arbitration, the alteration may, upon payment or securing of any compensation accepted or determined by arbitration, be executed in accordance with the notice and plan and subject to such modifications as may have been determined by arbitration or agreed upon between the parties.

(*e*) The owner may, at any time before the operator is entitled to commence the alteration, serve upon the operator a statement in writing to the effect that he desires to execute the alteration himself and requires the operator to give such security for the repayment of any expenses as may be agreed upon or, in default of agreement, settled by arbitration.

(*f*) Where a statement is served upon the operator under clause (*e*), he shall, not less than forty-eight hours before the execution of the alteration is required to be commenced, furnish

furnish such security and serve upon the owner a notification in writing intimating the time when the alteration is required to be commenced, and the manner in which it is required to be made; and thereupon the owner may proceed to execute the alteration as required by the operator.

(*g*) Where the owner declines to comply, or does not, within the time and in the manner prescribed by a notification served upon him under clause (*f*), comply with the notification, the operator may himself execute the alteration.

(*h*) All expenses properly incurred by the owner in complying with a notification served upon him by the operator under clause (*f*) may be recovered by him from the operator.

(*i*) Where the operator makes default in complying with any of these provisions, he shall make full compensation for any loss or damage incurred by reason thereof, and, where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by arbitration.

Laying of electric supply-lines or other works near sewers, pipes or other electric supply-lines or works.

15. (*1*) Where a licensee requires to dig or sink any trench for laying down any new electric supply-lines (not being service-lines) or other works, near to which any sewer, drain, water-course or work under the control of the Local Government or of any local authority, or any main, pipe, syphon, electric supply-line or other work belonging to any duly authorized person, has been lawfully placed, or where any duly authorized person requires to dig or sink any trench for laying down or constructing any new mains or pipes (not being service-pipes) or other works, near to

which

which any electric supply-lines or works of a licensee have been lawfully placed, the licensee or such duly authorized person, as the case may be (hereinafter in this section referred to as "the operator"), shall, unless it is otherwise agreed upon between the parties interested or in case of sudden emergency, give to the Local Government or local authority, or to such duly authorized person, or to the licensee, as the case may be (hereinafter in this section referred to as "the owner"), not less than forty-eight hours' notice in writing before commencing to dig or sink the trench, and the owner shall have the right to be present during the execution of the work, which shall be executed to the reasonable satisfaction of the owner.

(*2*) Where the operator finds it necessary to undermine, but not to alter, the position of any pipe, electric supply-line or work, he shall temporarily support it in position during the execution of the work, and before completion shall provide a suitable and proper foundation for it where so undermined.

(*3*) Where the operator (being the licensee) lays any electric supply-line across, or so as to be liable to touch, any mains, pipes, lines or service-pipes or lines belonging to any duly authorized person or to any person supplying or using energy under this Act, he shall not, except with the consent of such person and of the Local Government, lay his electric supply-lines so as to come into contact with any such mains, pipes, lines or service-pipes or lines, or, except with the like consent, employ any such mains, pipes, lines or service-pipes or lines as conductors for the purpose of supplying energy.

(*4*) Where the operator makes default in complying with any of the provisions of this section, he shall make full compensation for any loss or damage incurred by reason thereof.

(*5*) Where any difference or dispute arises under

this

this section, the matter shall be determined by arbitration.

(*6*) Where the licensee is a local authority, the references in this section to the local authority and to sewers, drains, water-courses or works under its control shall not apply.

Streets, railways, tramways, sewers, drains or tunnels broken up to be reinstated without delay.

16. (*1*) Where any person, in exercise of any of the powers conferred by or under this Act, opens or breaks up the soil or pavement of any street, railway or tramway, or any sewer, drain or tunnel, he shall—

(*a*) immediately cause the part opened or broken up to be fenced and guarded ;

(*b*) before sunset cause a light, sufficient for the warning of passengers, to be set up and maintained until sunrise against or near the part opened or broken up ;

(*c*) with all reasonable speed fill in the ground and reinstate and make good the soil or pavement, or the sewer, drain or tunnel, opened or broken up, and carry away the rubbish occasioned by such opening or breaking up ; and,

(*d*) after reinstating and making good the soil or pavement, or the sewer, drain or tunnel, broken or opened up, keep the same in good repair for three months and for any further period, not exceeding nine months, during which subsidence continues.

(*2*) Where any person fails to comply with any of the provisions of sub-section (*1*), the person having the control or management of the street, railway, tramway, sewer, drain or tunnel in respect of which the default has occurred, may cause to be executed the work which the defaulter has delayed or omitted to execute, and may recover from him the expenses incurred in such execution.

(*3*) Wh

(3) Where any difference or dispute arises as to the amount of the expenses incurred under sub-section (*2*), the matter shall be determined by arbitration.

Aërial lines.

17. (*1*) Nothing in this Part shall be deemed to authorize or empower a licensee to place any aërial line along or across any street unless and until the Local Government, after consulting the local authority, has communicated to him a general approval in writing of the methods of construction which he proposes to adopt:

Provided that the communication of such approval shall in no way relieve the licensee of his obligations with respect to any other consent required by or under this Act.

(*2*) Where any aërial line has been placed or maintained by a licensee in breach of the provisions of sub-section (*1*), the Local Government may require the licensee forthwith to remove the same, or may cause the same to be removed and recover from the licensee the expenses incurred in such removal.

(*3*) Where any tree, standing or lying near an aërial line, interrupts or interferes with, or is likely to interrupt or interfere with, the conveyance or transmission of energy, a Magistrate of the first class may, on the application of the licensee, cause the tree to be removed or otherwise dealt with as he thinks fit.

(*4*) When disposing of an application under sub-section (*3*), the Magistrate shall, in the case of any tree in existence before the placing of the aërial line, award to the person interested in the tree such compensation as he thinks reasonable, and such person may recover the same from the licensee.

Compensation for damage.

18. (*1*) A licensee shall, in exercise of any of the powers conferred by or under this Act, cause as little damage, detriment and inconvenience as may be, and shall make full compensation for any damage caused by him or by any one employed by him.

(*2*) Where

(*2*) Where any difference or dispute arises as to the amount or the application of such compensation, the matter shall be determined by arbitration.

Power for licensee to enter premises for ascertaining energy consumed, or to remove fittings or other apparatus of licensee.

19. (*1*) A licensee or any person duly authorized by a licensee may at any reasonable time, and on informing the occupier of his intention, enter any premises to which energy is or has been supplied by him, for the purpose of—

(*a*) inspecting and testing the electric supply-lines, meters, fittings, works and apparatus for the supply of energy belonging to the licensee;

(*b*) ascertaining the quantity of energy consumed or supplied; or

(*c*) removing, where a supply of energy is no longer required, or where the licensee is authorized to take away and cut off such supply, any electric supply-lines, fittings, works or apparatus belonging to the licensee.

(*2*) A licensee or any person authorized as aforesaid may also, in pursuance of a special order in this behalf made by the District Magistrate or, in a Presidency-town, by the Commissioner of Police, and after giving not less than twenty-four hours' notice in writing to the consumer, enter any premises to which energy is or has been supplied, or is to be supplied, by him, for the purpose of examining and testing the electric wires, fittings, works and apparatus for the use of energy belonging to the consumer.

Restrictions on licensee's controlling or interfering with use of energy.

20. (*1*) A licensee shall not be entitled to prescribe any special form of appliance for utilizing energy supplied by him, or, save as provided by section 23, sub-section (*2*), or by section 30, sub-section (*6*), in any way to control or interfere with the use of such energy:

Provided that no person may adopt any form of appliance

appliance, or use the energy supplied to him, so as unduly or improperly to interfere with the supply by the licensee of energy to any other person.

(*2*) Where any difference or dispute arises under this section, the matter shall be determined by arbitration.

Obligation on licensee to supply energy.

21. Where energy is supplied by a licensee, every person within the area of supply shall, except in so far as is otherwise provided by the terms and conditions of the license, be entitled, on application, to a supply on the same terms as those on which any other person in the same area is entitled in similar circumstances to a corresponding supply:

Provided that no person having a private generating plant shall be entitled to demand a connection with the mains of the licensee in order to use the energy of the licensee only in the event of accident to the plant of such person.

Maximum electrical power.

22. (*1*) The electrical power at which any consumer shall be entitled to be supplied by a licensee, shall not exceed what is necessary for the maximum consumption of energy on his premises:

Provided that, where a consumer has required a licensee to supply him at a specified maximum power, he shall not be entitled to alter that maximum except after one month's notice in writing to the licensee, and the licensee may recover from the consumer any expenses incurred by him by reason of the alteration in respect of the service-lines by which energy is supplied to the consumer's premises, or of any fittings or apparatus of the licensee upon those premises.

(*2*) Where any difference or dispute arises between a consumer and a licensee as to the power at which energy is to be supplied under sub-section (*1*) or as to the amount of the expenses incurred under the proviso thereto, the matter shall be determined by arbitration.

23. (*1*) A

Charges for energy to be made without undue preference.

23. (*1*) A licensee shall not, in making any agreement for the supply of energy, show undue preference to any person, but may, save as aforesaid, make such charges for the supply of energy as may be agreed upon, not exceeding the limits imposed by his license, and may allow rebates thereon according to the quantity supplied, either in relation to the maximum power to which the consumer is entitled under section 22, or to the total quantity, or to the time at which the supply is needed.

(*2*) Notwithstanding anything in sub-section (*1*), the licensee may, with the consent of the Local Government, charge at one rate for the supply of energy for lighting purposes, and at other rates for the supply of energy for purposes other than lighting; and no person shall be entitled to utilize for one purpose energy supplied to him at a lower rate for any other purpose.

(*3*) Where any difference or dispute arises between a consumer and a licensee as to any matter provided for in sub-section (*1*) or sub-section (*2*), the matter shall be determined by arbitration.

Discontinuance of supply to consumer neglecting to pay charge.

24. Where any person neglects to pay any charge for energy or any other sum due from him to a licensee in respect of the supply of energy to him, the licensee may, after giving not less than seven clear days' notice in writing to such person and without prejudice to his right to recover such charge or other sum by suit, cut off the supply and for that purpose cut or disconnect any electric supply-line or other works through which energy may be supplied, and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and re-connecting the supply, are paid, but no longer:

Provided that the provisions of this section shall not apply in any case in which any difference or dis-

pute

pute of the nature described in section 30, sub-section (7), has been referred for determination by an Electric Inspector or other person as therein provided until such Inspector or other person has given his decision.

Exemption of electric supply-lines or other apparatus from attachment in certain cases.

25. Where any electric supply-lines, meters, fittings, works or apparatus belonging to a licensee are placed in or upon any premises, not being in the possession of the licensee, for the purpose of supplying energy, such electric supply-lines, meters, fittings, works and apparatus shall not be liable to be taken in execution under any process of any Civil Court or in any proceedings in insolvency against the person in whose possession the same may be.

Protection of railways and canals, docks, wharves and piers.

26. No licensee shall, in exercise of any of the powers conferred by or under this Act, in any way injure any railway, tramway or canal or (in cases where the licensee is not a local authority) any dock, wharf or pier vested in or controlled by a local authority or obstruct or interfere with the traffic on any railway, tramway or canal.

Protection of telegraphic, telephonic and electric-signalling lines.

27. (*1*) Nothing in this Act shall be deemed to authorize or empower any licensee to lay down any underground, or place any aërial, electric supply-line or other works, or to make any alterations in any telegraph-line, maintained or worked by the Government or by any person licensed under the Indian Telegraph Act, 1885, without the previous sanction of the telegraph-authority, to whom the licensee shall give not less than one month's notice in writing of his intention, specifying the course of the works or alterations proposed, the manner in which the works are to be utilized, the amount and nature of the energy to be transmitted, and the extent to, and manner in, which (if at all) earth returns are to be used; and the licensee shall conform with such reasonable requirements, either general or special, as may be laid down by the telegraph-authority for preventing XIII of 1885.

any

any telegraph-line from being injuriously affected by such works or alterations:

Provided that, in case of emergency (which shall be stated by the licensee in writing to the telegraph-authority) arising from defects in any of the electric supply-lines or other works of the licensee, the licensee shall be required to give only such notice as may be possible after the necessity for the proposed new works or alterations has arisen.

(*2*) Every licensee shall take all reasonable precautions in constructing, laying down and placing his electric supply-lines and other works and in working his undertaking, so as not injuriously to affect, whether by induction or otherwise, the working of any wire or line used for the purpose of telegraphic, telephonic or electric-signalling communication, or the currents in such wire or line.

(*3*) Where any difference or dispute arises between the licensee and the telegraph-authority or any person licensed under the Indian Telegraph Act, 1885, as to whether the licensee has constructed, laid down or placed his electric supply-lines or other works, or made alterations in a telegraph-line, or worked his undertaking, in contravention of sub-section (*1*) or sub-section (*2*), or as to whether the working of any wire, line or current is or is not injuriously affected thereby, the matter shall be referred to the Governor General in Council; and the Governor General in Council, unless he is of opinion that the wire or line has been placed in unreasonable proximity to the electric supply-lines or works of the licensee after the construction of such lines or works, may direct the licensee to make such alterations in, or additions to, his system as may be necessary in order to comply with the provisions of this section, and the licensee shall make such alterations or additions accordingly:

XIII of 1885.

Provided that nothing in this sub-section shall apply

apply to the repair, renewal or amendment of any electric supply-line so long as the course of the electric supply-line and the amount and nature of the current transmitted thereby are not altered.

(*4*) Where a licensee makes default in complying with the requirements of this section, he shall make full compensation for any loss or damage incurred by reason thereof, and, where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by arbitration.

Explanation.—For the purposes of this section, a telegraph-line shall be deemed to be injuriously affected by a work if telegraphic communication by means of such line is, whether through induction or otherwise, prejudicially interfered with by such work or by any use made thereof.

Notice of an inquiry into accidents.

28. (*1*) Every licensee shall, within twenty-four hours of the occurrence, send to the Local Government and to the District Magistrate or, in a Presidency-town, to the Commissioner of Police, notice in writing of any accident by explosion, fire, electric shock or fall of an aërial line and also of any other accident resulting or likely to have resulted in loss of life or personal injury in any part of the licensee's works or circuits, or in connection with the same, and also notice of any loss of life or personal injury actually occasioned by any such accident.

(*2*) The Local Government may also, if it thinks fit, appoint any Electric Inspector or other competent person to inquire and report as to the cause of any accident affecting the safety of the public, which may have been occasioned by or in connection with a licensee's works, or as to the manner in, and extent to, which the provisions of the license and of this Act, so far as those provisions affect the safety of the public, have been complied with by the licensee.

29, If

29. If at any time it is established to the satisfaction of the Local Government,— Power for Local Government to interfere in certain cases of default by licensee.

(*a*) that a licensee is supplying energy otherwise than by means of a system which has been approved of by the Local Government or (except in accordance with the provisions of his license) has permitted any part of his circuits to be connected with earth, or

(*b*) that any electric supply-lines or works of a licensee are defective; or

(*c*) that any works of a licensee or his supply of energy are or is attended with danger to the public safety;

the Local Government may, by order in writing, specify the matter complained of and require the licensee to remedy it in such manner as shall be specified in the order, and may also in like manner forbid the use of any electric supply-line or works until the order is complied with or for such time as is specified in the order.

30. (*1*) In the absence of an agreement to the contrary, the amount of energy supplied to a consumer or the electrical quantity contained in the supply (such amount or quantity being hereinafter referred to as "the value of the supply") shall be ascertained by means of a duly certified meter, and the licensee shall, if required by the consumer, cause the consumer to be supplied with such a meter: Meters.

Provided that the licensee may require the consumer to give him security for the price of a meter and enter into an agreement for the hire thereof, unless the consumer elects to purchase a meter.

(*2*) Where the consumer so enters into an agreement for the hire of a meter, the licensee shall keep the meter in proper order for correctly registering the value of the supply, and, in default of his doing

so,

so, the consumer shall, for so long as the default continues, cease to be liable to pay for the hire of the meter.

(*3*) Where the meter is the property of the consumer, he shall keep the meter in proper order for correctly registering the value of the supply, and, in default of his doing so, the licensee may, for so long as the default continues, cease to supply energy through the meter.

(*4*) The licensee or any person duly authorized by the licensee shall, at any reasonable time and on informing the consumer of his intention, have access to, and be at liberty to take off, remove, test, inspect and replace, any meter whereby the value of the supply is ascertained or to be ascertained; and, except where the meter is so hired as aforesaid, all reasonable expenses of, and incidental to, such taking off, removing, testing, inspecting and replacing, and the procuring the meter to be again duly certified, where that is thereby rendered necessary, shall, if the meter is found to be otherwise than in proper order, be recovered from the consumer; and, where any difference or dispute arises as to the amount of such reasonable expenses, the matter shall be determined by arbitration:

Provided that the licensee shall not be at liberty to take off or remove any such meter if any difference or dispute of the nature described in sub-section (*7*) has arisen until the matter has been determined as therein provided.

(*5*) A consumer shall not connect any meter, whereby the value of the supply is ascertained or to be ascertained, with any electric supply-line through which energy is supplied by a licensee, or disconnect the same from any such electric supply-line, without giving to the licensee not less than forty-eight hours' notice in writing of his intention.

(*6*) In

(*6*) In addition to any meter which may be placed upon the premises of a consumer to ascertain the value of the supply, the licensee may place upon such premises such meter or other apparatus as he may think fit for the purpose of ascertaining or regulating either the amount of energy supplied to the consumer, or the number of hours during which the supply is given, or the maximum power taken by the consumer, or any other quantity or time connected with the supply:

Provided that the meter or apparatus shall be of a construction and pattern approved of by the Local Government, and shall be fixed and connected with the service-lines in a manner so approved, and shall be supplied and maintained entirely at the cost of the licensee, and shall not, in the absence of an agreement to the contrary, be placed otherwise than between the mains of the licensee and the consumer's terminals.

(*7*) Where any difference or dispute arises as to whether any meter, whereby the value of the supply as to pressure or quantity is ascertained or to be ascertained, is or is not in proper order for correctly registering the value of the supply, or as to whether such value has in any case been correctly registered by the meter, the matter shall be determined, upon the application of either party, by an Electric Inspector or by a competent person specially appointed by the Local Government in this behalf; and, where the meter has, in the opinion of such Inspector or person, ceased to work for a period not exceeding one month, such Inspector or person shall estimate the value of the supply for such period on the basis of the value of the previous supply; and the decision of such Inspector or person shall be final, and the costs of or incidental to such determination shall be recoverable as such Inspector or person may direct: but, save as aforesaid, the register of the meter, whereby

whereby the value of the supply is ascertained, shall, in the absence of fraud, be conclusive proof of such value.

Explanation.—A meter shall be deemed to be "duly certified" if it is certified by an Electric Inspector or by a competent person appointed by the Local Government in this behalf to be a correct meter, and to be of a construction and pattern approved by the Local Government, and to have been fixed and connected with the electric supply-lines in a manner so approved:

Provided that, where any alteration is made in a duly certified meter, or where any such meter is unfixed or disconnected from the electric supply-lines, it shall cease to be a duly certified meter unless and until it is again duly certified as aforesaid.

PART III.

RESTRICTIONS ON USE OF ENERGY NOT SUPPLIED UNDER PART II.

Use of energy not supplied under Part II to be subject to rules.

31. (*1*) No person shall, for any purpose, in any street, or in any place in which one hundred or more persons are likely ordinarily to be assembled or which is a factory within the meaning of the Indian Factories Act, 1881, use energy which is not supplied to him under Part II, without giving not less than seven clear days' notice in writing of his intention to the District Magistrate or, in a Presidency-town, to the Commissioner of Police, and complying with such rules as may be made in this behalf under section 33: XV of 1881.

Provided that nothing in this section shall apply to any railway or tramway subject to the provisions of the Indian Railways Act, 1890: IX of 1890.

Provided also that the Local Government may, by general or special order and subject to such conditions and restrictions as may be specified therein, exempt

exempt any person or class of persons using energy on premises upon or in connection with which it is generated, from the application of this section or of any such rule as aforesaid.

(*2*) Where any difference or dispute arises as to whether a place is or is not one in which one hundred or more persons are likely ordinarily to be assembled, the matter shall be referred to the Local Government, and the decision of the Local Government thereon shall be final.

PART IV.

GENERAL.

Advisory Boards.

32. (*1*) The Governor General in Council may, for the whole or any part of British India, and each Local Government, with the previous sanction of the Governor General in Council, may, for the whole or any part of the Province, by notification in the Gazette of India or the local official Gazette, as the case may be, constitute an Advisory Board.

(*2*) Every such Board shall consist of—

(*a*) a Chairman and two other members, or, where the Board is to consist of only three members, one other member nominated by the Governor General in Council or the Local Government, as the case may be, and

(*b*) two members, or, where the Board is to consist of only three members, one member nominated by such local authorities, Chambers of Commerce or other Associations as the Governor General in Council or the Local Government, as the case may be, may by rule prescribe.

(*3*) The Governor General in Council or the Local Government, as the case may be, may give directions as to the payment of travelling expenses incurred by any member of an Advisory Board in the performance of his duty as such member.

33. (*1*) The

Power for Government to make rules.

33. (*1*) The Governor General in Council may, for the whole or any part of British India, and each Local Government, with the previous sanction of the Governor General in Council, may, for the whole or any part of the Province, make rules to regulate the generation, supply and use of energy, and, generally, to carry out the purposes and objects of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) prescribe the form of applications for licenses and the payments to be made in respect thereof;

(*b*) regulate the publication of notices;

(*c*) prescribe the manner in which, and the time within which, representations or objections with reference to any application under Part II are to be made;

(*d*) provide for the preparation and submission of accounts by licensees in a specified form;

(*e*) provide for the securing of a regular, constant and sufficient supply of energy by licensees to consumers and for the testing at various parts of the system of the regularity and sufficiency of such supply, and for the examination of the records of such tests by consumers;

(*f*) provide for the protection of persons and property from injury by reason of contact with, or the proximity of, or by reason of the defective or dangerous condition of, any appliance or apparatus used in the generation, supply or use of energy;

(*g*) for the purposes of any electric tramway, regulate the employment of insulated returns, or of uninsulated metallic returns of low resistance, in order to prevent fusion or injurious electrolytic action of or on gas or water

water pipes, or other metallic pipes, structures or substances, and to minimise, as far as is reasonably practicable, injurious interference with the electric wires, supply-lines and apparatus of parties other than the owners of the tramway, or with the currents therein, whether the earth is used as a return or not; and for the like purposes apply or adapt any of the provisions of Part II;

(*h*) provide for preventing telegraph lines and magnetic observatories or laboratories from being injuriously affected by any appliance or apparatus used in the generation, supply or use of energy;

(*i*) provide for the appointment of Electric Inspectors by the Local Government, and, with the sanction of the Local Government, by local authorities, and prescribe the qualifications to be required of such Inspectors, and their remuneration and duties;

(*j*) provide for the appointment of members of Advisory Boards and define the duties and regulate the procedure of such Boards;

(*k*) authorize any Electric Inspector or other officer of a specified rank and class to enter, inspect and examine any place, carriage or vessel in which he has reason to believe any appliance or apparatus used in the generation, supply or use of energy to be, and to carry out tests therein, and to prescribe the facilities to be given to such Inspectors or officers for the purposes of such examinations and tests; and

(*l*) authorize and regulate the levy of fees for any such testing or inspection and, generally, for the services of Electric Inspectors under this Act.

(*3*) In

(*3*) In making any rule under this Act, the Governor General in Council or the Local Government, as the case may be, may direct that every breach thereof shall be punishable with fine which may extend to one hundred rupees, and, in the case of a continuing breach, with a further daily fine which may extend to fifty rupees.

Further provisions respecting rules.

34. (*1*) The power to make rules under section 33 shall be subject to the condition of the rules being made after previous publication.

(*2*) The date to be specified in accordance with clause (*3*) of section 23 of the General Clauses Act, 1897, as that after which a draft of rules proposed to be made under this section will be taken into consideration shall not be less than three months from the date on which the draft of the proposed rules was published for general information. X of 189

(*3*) Where an Advisory Board has been constituted under section 32 by the Governor General in Council or by the Local Government, any rule to be made under this Act shall, before it is published for criticism under sub-section (*2*), be referred, in the case of a rule to be made by the Governor General in Council, to the Advisory Board constituted by the Governor General in Council, and, in the case of a rule to be made by the Local Government, to an Advisory Board constituted by such Government, and the rule shall not be so published until such Board has reported as to the expediency of making the proposed rule and as to the suitability of its provisions.

(*4*) All rules made under section 33 shall be published in the Gazette of India or the local official Gazette, as the case may be, and on such publication shall have effect as if enacted in this Act.

Exercise in certain cases of powers of telegraph-authority.

35. Notwithstanding anything in sections 12 to 18, the Governor General in Council may, for the placing of appliances and apparatus for the transmission of energy for any purpose, confer upon any public

public officer or licensee any of the powers which the telegraph-authority possesses under, and subject to the provisions of, the Indian Telegraph Act, 1885, with respect to the placing of telegraph-lines and posts for the purposes of a telegraph established or maintained by the Government or to be so established or maintained.

XIII of 1885.

36. Where any matter is, by or under this Act, directed to be determined by arbitration, the matter shall, unless it is otherwise expressly provided in the license of a licensee, be determined by such person or persons as the Governor General in Council or the Local Government may nominate in that behalf on the application of either party; but in all other respects the arbitration shall be subject to the provisions of the Indian Arbitration Act, 1899.

Arbitration.

IX of 1899.

37. (*1*) Every notice, order or document by or under this Act required or authorized to be addressed to any person may be served by post or left,—

Service of notices, orders or documents.

(*a*) where the Government is the addressee, at the office of the Secretary in the Public Works Department:

(*b*) where a local authority is the addressee, at the office of the local authority:

(*c*) where a company is the addressee, at the registered office of the company:

(*d*) where any other person is the addressee, at the usual or last known place of abode or business of the person.

(*2*) Every notice, order or document by or under this Act required or authorized to be addressed to the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises), and may be served by delivering it, or a true copy thereof, to some person on the premises, or, if there is no person on the premises to whom the same can with reasonable diligence be delivered,

delivered, by affixing it on some conspicuous part of the premises.

Recovery of sums recoverable under certain provisions of Act.

38. Every sum declared to be recoverable by section 5, clause (*f*), section 6, section 14, sub-section (*2*), clause (*h*), section 16, sub-section (*2*), section 17, sub-section (*2*) or sub-section (*4*), section 22, sub-section (*1*), or section 30, sub-section (*4*) or sub-section (*7*), and every fee leviable under this Act may be recovered, on application to a Magistrate having jurisdiction where the person liable to pay the same is for the time being resident, by the distress and sale of any moveable property belonging to such person.

Penalties.

39. (*1*) Whoever dishonestly abstracts, consumes or uses any energy, shall be deemed to have committed theft within the meaning of the Indian Penal Code. XLV of 1860.

(*2*) Whoever maliciously causes energy to be wasted or diverted, or, with intent to cut off the supply of energy, cuts or injures, or attempts to cut or injure, any electric supply-line or works, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

(*3*) Whoever,—

(*a*) being a licensee, without the previous sanction of the Local Government, supplies energy or lays down or places any electric supply-line or works outside the area of supply; or

(*b*) fails to prevent any variation of pressure exceeding the limits of variation prescribed by the rules made under this Act; or

(*c*) makes default in complying with any order issued to him by the Local Government under section 29;

shall be punishable with fine which may extend to one thousand rupees, and, in the case of a continuing offence

offence or default, with a daily fine which may extend to one hundred rupees.

(4) Whoever uses energy in contravention of the provisions of section 31 shall be punishable with fine which may extend to five hundred rupees, and, in the case of a continuing offence, with a daily fine which may extend to fifty rupees.

(5) Whoever—

(a) connects any meter, whereby the value of the supply is ascertained or to be ascertained, with any electric supply-line through which energy is supplied by a licensee, or disconnects the same from any such electric supply-line, without giving to the licensee forty-eight hours' notice in writing of his intention; or

(b) lays, or causes to be laid, or connects up any works for the purpose of communicating with any other works belonging to a licensee, without such licensee's consent; or

(c) maliciously injures any meter, whereby the value of the supply to a consumer by a licensee is ascertained; or

(d) improperly uses the energy of a licensee;

shall be punishable with fine which may extend to one hundred rupees, and, in the case of a continuing offence, with a daily fine which may extend to fifty rupees.

(6) Whoever maliciously extinguishes any electric light supplied for the public use, shall be punishable with fine which may extend to two hundred rupees.

(7) Whoever negligently causes energy to be wasted or diverted, or negligently breaks, throws down or damages any electric supply-line, post, pole or lamp or other apparatus connected with the supply of energy, shall be punishable with fine which may extend to fifty rupees.

(8) Whoever

(*8*) Whoever, in any case not already provided for by this section, makes default in complying with any of the provisions of this Act, or with any order issued under it, or, in the case of a licensee, with any of the conditions of his license, shall be punishable with fine which may extend to one hundred rupees, and, in the case of a continuing default, with a daily fine which may extend to twenty rupees:

Provided that, where a person has made default in complying with any of the provisions of sections 13, 14, 15 and 27, as the case may be, he shall not be so punishable if the Court is of opinion that the case was one of emergency and that the offender complied with the said provisions as far as was reasonable in the circumstances.

(*9*) The penalties imposed by this section shall be in addition to, and not in derogation of, any liability in respect of the payment of compensation or, in the case of a licensee, the revocation of his license, which the offender may have incurred.

(*10*) The provisions of sub-sections (*1*), (*2*), (*5*), (*6*) and (*7*) shall, so far as they are applicable, be deemed to apply also when the acts made punishable thereunder are committed in the case of energy supplied by or of works belonging to the Government.

Functions of Local Government under Part II in certain places to be performed by Governor General in Council.

40. The powers and duties of the Local Government under Part II shall, when the energy is to be supplied within the limits of any cantonment or of any fortress, arsenal, factory, dockyard or camp or of any building or place in the occupation of Government for naval or military purposes, be exercised and performed by the Governor General in Council.

Protection for acts done in good faith.

41. No suit, prosecution or other proceeding shall lie against any public officer, or any servant of a local authority, for anything done, or in good faith purporting to be done, under this Act.

42. (*1*) The

(*Part IV.—General.—Section 42. The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.*)

XIII of 1887. Ben. Act IX of 1895. Ben. Act I of 1902.

Repeals and savings.

42. (*1*) The Electricity Act, 1887, the Calcutta Electric Lighting Act, 1895, and the Howrah Bridge Electric Lighting Act, 1902, are hereby repealed:

Provided that nothing in the foregoing provisions of this section shall be deemed to affect the terms of any license granted before the commencement of this Act under the Calcutta Electric Lighting Act, 1895, or any provisions of that Act or any rule made thereunder having reference to any such license.

(*2*) Nothing in this Act shall be deemed to affect the terms of any other license which has been granted or of any agreement which has been made by or with the sanction of the Government for the supply or use of electricity before the commencement of this Act.

THE SCHEDULE.

PROVISIONS TO BE DEEMED TO BE INCORPORATED WITH, AND TO FORM PART OF, EVERY LICENSE GRANTED UNDER PART II.

[*See section 4, sub-section (1), clause (f).*]

Security and accounts.

Security for execution of works of licensee not being local authority.

I. Where the licensee is not a local authority, the following provisions as to giving security shall apply, namely:—

(*a*) The licensee shall, within a period of six months after the commencement of the license and before exercising any of the powers by the license conferred on him in relation to the execution of works, show, to the satisfaction of the Local Government, that he is in a position fully and efficiently to discharge the duties and obligations imposed

(*The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.*)

posed upon him by the license throughout the area of supply.

(*b*) The licensee shall also, within six months after the commencement of the license or within such extended period as may be approved by the Local Government and before exercising any of the powers conferred on him in relation to the execution of works, deposit or secure, to the satisfaction of the Local Government, such sum (if any) as may be fixed by the license or, if not so fixed, by the Local Government.

(*c*) The said sum deposited or secured by the licensee under the provisions of this clause shall be repaid or released to him in equal moieties, when and so soon as it may be certified by an officer appointed by the Local Government in this behalf that amounts equal to the sums so to be repaid or released have been expended by the licensee upon works executed for the purposes of the undertaking, or that distributing mains have been duly laid down by the licensee in every street or part of a street in which he is required to lay them down within a limited time, or shall be repaid or released at such earlier dates, and by such instalments, as may be approved by the Local Government.

(*d*) Where the area of supply includes two or more local areas for which local authorities are constituted, the Local Government may require the deposit to be made or the security to be given in respect of such local areas severally, and in that case the deposit or security shall be repaid or released separately as to each local area.

II. Where

(*The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.*)

II. Where the licensee is not a local authority, the following provisions as to the audit of accounts shall apply, namely:— Audit of accounts of licensee not being local authority.

(*a*) The annual statement of accounts of the undertaking shall, before being rendered to the Local Government under section 11 of the Indian Electricity Act, 1903, be examined and audited by such person as the Local Government may appoint in this behalf, and the remuneration of the auditor shall be such as the Local Government may direct, and his remuneration and all expenses incurred by him in or about the execution of his duties, to such an amount as the Local Government shall approve, shall be paid by the licensee on demand.

(*b*) The licensee shall afford to the auditor, his clerks and assistants, access to all such books and documents relating to the undertaking as are necessary for the purposes of the audit, and shall, when required, furnish to him and them all vouchers and information requisite for that purpose, and afford to him and them all facilities for the proper execution of his and their duty.

(*c*) The audit shall be made and conducted in such manner as the Local Government may direct.

(*d*) Any report made by the auditor, or such portion thereof as the Local Government may direct, shall be appended to the annual statement of accounts of the licensee, and shall thenceforth form part thereof.

III. The licensee shall, unless the Local Government otherwise directs, at all times keep the accounts of the capital employed for the purposes of the undertaking Separate accounts.

(*The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.*)

taking distinct from the accounts kept by him of any other undertaking or business.

Nature and mode of supply.

Systems of supply.

IV. Energy shall be supplied by the licensee only by means of some system approved in writing by the Local Government, and save as otherwise provided by rules under the Indian Electricity Act, 1903, the licensee shall not permit any part of any circuit to be connected with earth unless the connection is for the time being approved by the Local Government, with the concurrence of the telegraph-authority.

Provisions as to electric tramways.

V. Where and in so far as energy is supplied to a tramway for purposes of electric traction, the following provisions shall apply, namely:—

(*a*) The licensee shall employ either insulated metallic returns, or uninsulated metallic returns of low resistance, save in the case of vehicles in which the motive power is entirely self-contained.

(*b*) The licensee shall take all reasonable precautions in constructing, placing and maintaining his electric supply-lines and circuits, and other works of all descriptions, and also in working his undertaking, so as not injuriously to affect, by fusion or electrolytic action, any gas or water pipes, or other metallic pipes, structures or substances.

Compulsory works.

Power of Local Government to order licensee to lay down distributing mains.

VI. The licensee shall, within a period of two years after the commencement of his license, lay down suitable and sufficient distributing mains for the purposes of general supply throughout such streets or parts of streets as the Local Government may, by order

order in writing issued within six months of the commencement of the license, direct.

Provisions as to laying electric supply-lines under special agreement.

VII. Every licensee shall, not less than one month before commencing to lay in any street any electric supply-line for the supply of energy to any particular consumer, and not for the purposes of general supply, serve upon the local authority (if any) and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric supply-line so to be laid, a notice stating that the licensee intends to lay the electric supply-line, and intimating that, if within the said period any two or more of such owners or occupiers require in accordance with the provisions of the license that a supply shall be given to their premises, the necessary distributing main will be laid by the licensee at the same time as the electric supply-line intended for the particular consumer.

Provisions as to laying down of further distributing mains.

VIII. (*1*) Where, after the expiration of eighteen months from the commencement of the license, a requisition is made by six or more owners or occupiers of premises in or upon any street or part of a street within the area of supply or by the Local Government or a local authority charged with the public lighting thereof, requiring the licensee to provide and lay down distributing mains for the purposes of general supply throughout such street or part thereof, the licensee shall comply within six months with the requisition, unless,—

(*a*) where it is made by such owners or occupiers as aforesaid, the owners or occupiers making it do not, within fourteen clear days after the service on them by the licensee of a notice in writing in this behalf, tender to the licensee a written contract, duly executed and with sufficient security, binding themselves to take, or guaranteeing that

(*The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.*)

that there shall be taken, a supply of energy for not less than three years to such amount as will in the aggregate produce annually, at the current rates charged by the licensee, a reasonable return to the licensee; or,

(*b*) where it is made by the Local Government or a local authority, the Local Government or local authority, as the case may be, does not, within the like period, tender a like agreement binding itself to take a supply of energy for not less than three years for the public lighting of such street or part thereof.

(*2*) Where any difference or dispute arises between the licensee and such owners, occupiers or local authority as to the sufficiency of the security offered under this clause, or as to the amount of energy to be taken or guaranteed as aforesaid, the matter shall be referred to the Local Government and either decided by it or, if the Local Government so directs, determined by arbitration.

(*3*) Every requisition under this clause shall be signed by the maker or makers thereof and shall be served on the licensee.

(*4*) Every requisition under this clause shall be in a form to be prescribed by rules under the Indian Electricity Act, 1903; and copies of the form shall be kept at the office of the licensee and supplied free of charge to any applicant.

Requisition for supply to owners or occupiers in vicinity.

IX. (*1*) Where a requisition is made by the owners or occupiers of any premises situate within one hundred yards from any distributing main in which the licensee is required to maintain a supply of energy for the purposes of general supply, requiring the licensee to supply energy for such premises, the licensee

(*The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.*)

licensee shall supply, and, save in so far as he is prevented from doing so by cyclones, floods, storms or other occurrences beyond his control, continue to supply, energy in accordance with the requisition, unless the person making it fails, within fourteen days after the service on him by the licensee of a notice in writing in this behalf, to tender to the licensee a written contract, duly executed and with sufficient security, binding himself to take a supply of energy for not less than two years to such amount as will produce, at current rates charged by the licensee, a reasonable return to the licensee:

Provided, first, that the cost of so much of any electric supply-line as may be laid for the purposes of the supply upon the property in respect of which the requisition is made, and of so much of any electric supply-line as it may be necessary for the said purposes to lay for a greater distance than one hundred feet from the licensee's distributing main, although not on that property, shall, if the licensee so requires, be paid by the owner or occupier making the requisition:

Provided, secondly, that the licensee may, after he has furnished a supply of energy for any premises, by notice in writing require the owner or occupier within seven days after the date of the service of the notice, to give him security for the payment of all money which may become due to him in respect of the supply, in case the owner or occupier has not already given that security, or in case any security given has become invalid or is insufficient; and, if the owner or occupier fails to comply with the terms of the notice, the licensee may discontinue to supply energy for such premises so long as such failure continues:

Provided, thirdly, that, if the owner or occupier of any such premises as aforesaid adopts any form of

lamp

(*The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.*)

lamp or burner, or uses the energy supplied to him by the licensee for any purposes, or deals with it in any manner, so as to interfere unduly or improperly with the efficient supply of energy to any other person by the licensee, or fails to keep his meter in proper order, the licensee may discontinue the supply of energy for such premises so long as such lamp or burner is so adopted, or the energy is so used or dealt with, or the meter is not kept in proper order, as the case may be:

Provided, fourthly, that the licensee shall not be bound to furnish a supply of energy to any premises if an Electric Inspector or other competent person appointed by the Local Government is satisfied that the electric line, fittings, works and apparatus therein are not in good order and condition, and are likely to affect injuriously the use of energy by the licensee, or by other persons:

Provided, fifthly, that in the event of any alterations of, or additions to, any electric wires, fittings, works or apparatus within such premises as aforesaid, all such alterations or additions shall be notified to the licensee by the owner or occupier before being connected to the source of supply, with a view to their being examined and tested: and

Provided, sixthly, that, in the event of any requisition being made for a supply of energy from any distributing main of which the licensee can prove, to the satisfaction of an officer appointed by the Local Government in this behalf,—

(*a*) that it is already loaded up to its full current-carrying capacity. or

(*b*) that, in case of a larger amount of current being transmitted by it, the loss of pressure will seriously affect the efficiency of the supply to other consumers in the vicinity,

the

(*The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.*)

the licensee may refuse to accede to the requisition for such reasonable period, not exceeding six months, as such officer may think sufficient for the purpose of amending the distributing main or laying down a further distributing main.

(*2*) Where any difference or dispute arises as to the sufficiency of the security offered by such owner or occupier, or as to the improper use of energy, or as to any alleged defect in any wires, fittings, works or apparatus, or as to any alleged excess or defect in the pressure or quantity of the energy supplied, the matter shall be referred to the Local Government and either decided by it or, if the Local Government so directs, determined by arbitration.

(*3*) Every requisition under this clause shall be signed by the maker or makers thereof and shall be served on the licensee.

(*4*) Every requisition under this clause shall be in a form to be prescribed by rules under the Indian Electricity Act, 1903; and copies of the form shall be kept at the office of the licensee and supplied free of charge to any applicant.

Supply for public lamps.

X. (*1*) Where a requisition is made by the Local Government or by a local authority requiring the licensee to supply for a period of not less than one year energy for any public lamps within the distance of one hundred yards from any distributing main in which the licensee is required to maintain a supply of energy for the purposes of general supply, the licensee shall supply, and, save in so far as he is prevented from doing so by cyclones, floods, storms or other occurrences beyond his control, continue to supply, energy for such lamps in such quantities as the Local Government or the local authority, as the case may be, may require.

(*2*) The provisions contained in the first, fourth,

fifth

(*The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.*)

fifth and sixth provisos to sub-clause (*1*) and in sub-clause (*2*) of clause IX shall, so far as may be, apply to every case in which a requisition for the supply of energy is made under this clause as if the Local Government or local authority were an owner or occupier within the meaning of those provisions.

Charges.

Methods of charging.

XI. In the absence of an agreement to the contrary, the licensee may charge for energy supplied by him to any consumer—

(*a*) by the actual amount of energy so supplied; or

(*b*) by the electrical quantity contained in the supply; or

(*c*) by such other method as may be approved by the Local Government:

Provided, first, that, where the licensee charges by any method so approved by the Local Government, any consumer who objects to that method may, by not less than one month's notice in writing, require the licensee to charge him, at the licensee's option, either by the actual amount of energy supplied to him or by the electrical quantity contained in the supply, and thereafter the licensee shall not, except with the consent of the consumer, charge him by another method:

Provided, secondly, that, before commencing to supply energy through any distributing main for the purposes of general supply, the licensee shall give notice, by public advertisement, of the method by which he proposes to charge for energy so supplied; and, where the licensee has given such notice, he shall not be entitled to change that method of charging without giving not less than one month's notice in writing of such change to the Local Government, to the local authority (if any) concerned, and to every consumer

(*The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.*)

consumer of energy who is supplied by him from such distributing main:

Provided, thirdly, that, if the consumer is provided with a duly certified meter for the purposes of ascertaining the value of the supply and the licensee changes the method of charging for the energy supplied by him from the distributing main, the licensee shall bear the expense of providing a new duly certified meter if such is necessary for the purpose of ascertaining the value of the supply according to the new method of charging.

Maximum charges.

XII. The price charged by the licensee for energy supplied by him shall not exceed the maximum fixed by his license, or, in the case of a method of charge approved by the Local Government, such maximum as the Local Government shall fix on approving the method:

Provided that, if, at any time after the expiration of seven years from the commencement of the license, the Local Government considers or is satisfied that the maximum so fixed or approved as aforesaid should be altered, it may, after such inquiry (if any) as it thinks fit, make an order accordingly, which shall have effect from such date as may be mentioned therein:

Provided, also, that where an order in pursuance of the foregoing proviso has been made, no further order altering the maximum fixed thereby shall be made until the expiration of another period of seven years.

Charge for supply for public lamps.

XIII. The price to be charged by the licensee and to be paid to him for energy supplied for the public lamps, and the mode in which those charges are to be ascertained, shall be settled by agreement between the licensee and the Local Government or the local authority, as the case may be, and, where any difference

or

(*The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.*)

or dispute arises, the matter shall be determined by arbitration.

Testing and inspection.

Licensee to establish testing stations and keep instruments for testing.

XIV. The licensee shall, at any place within reasonable distance from any main, establish at his own cost and keep in proper condition such number of testing stations as the Local Government may direct for the purpose of testing the supply of energy in the main, and shall supply and keep in proper condition thereat, and on all premises from which he supplies energy, such instruments for testing as the Local Government may approve, and shall connect all such testing stations, by means of proper and sufficient electric supply-lines, with the distributing mains, and shall supply energy to each testing station for the purpose of testing.

Licensee to give facilities for testing.

XV. The licensee shall afford all facilities for inspection and testing of his generating, converting and testing stations and all other parts of his electric system and for the reading, testing and inspection of instruments.

Representation of licensee at testings.

XVI. The licensee may, on each occasion of the testing of any distributing main or electric supply-line or the testing or inspection of any instruments, be represented by an agent who may be present but shall not interfere with the testing or inspection.

Testing of mains.

XVII. On the occasion of the testing of any main of the licensee by an Electric Inspector, reasonable notice thereof shall be given to the licensee, and the testing shall be carried out at such suitable hours as, in the opinion of the Electric Inspector, will least interfere with the supply of energy by the licensee, and in such manner as the Electric Inspector may think fit; but, except under the provisions of an order made in each case in that behalf by the Local Government, the Electric Inspector shall not be entitled

DIVISIONAL FOREST OFFICER
DHARWAR
No 975

ACT No. IV OF 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 13th March, 1903.*)

An Act further to amend the Provident Funds Act, 1897.

WHEREAS it is expedient further to amend the Provident Funds Act, 1897; It is hereby enacted as follows :—

1. This Act may be called the Provident Funds (Amendment) Act, 1903. Short title.

2. For section 4 of the Provident Funds Act, 1897, the following section shall be substituted, namely :— Substitution of new section for section 4, Act IX, 1897.

"4. (*1*) Compulsory deposits in any Government or Railway Provident Fund shall not be liable to any attachment under any decree or order of a Court of Justice in respect of any debt or liability incurred by a subscriber to, or depositor in, any such Fund, and neither the Official Assignee nor a Receiver appointed under Chapter XX of the Code of Civil Procedure shall be entitled to, or have any claim on, any such compulsory deposit. Protection to deposits and other sums in certain cases. of 1882.

(*2*) Any sum standing to the credit of any subscriber to, or depositor in, any such Fund at the time of his decease and payable under the rules of the Fund or under this Act to the widow or the children, or partly to the widow and partly to the children, of the subscriber or depositor, or to such person as may be authorized by law to receive payment on her or their behalf, shall vest in the widow or the children, or partly in the widow and partly in the children, as the case may be, free from any debt or other

[*Price one anna and three pies.*]

other liability incurred by the deceased, or incurred by the widow or by the children, or by any one or more of them, before the death of such subscriber or depositor.

(*3*) Nothing in sub-section (*2*) shall apply in the case of any such subscriber or depositor as aforesaid dying before the thirteenth day of March, 1903."

Government of India Central Printing Office.—No. 918 L. D.—6-4-1903.—5,500—R. B.

No 976.

DIVISIONAL FOREST OFFICER
DHARWAR
No 976

ACT No. V of 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 13th March, 1903.)

An Act further to amend the Indian Ports Act, 1889.

of 1889.

WHEREAS it is expedient further to amend the Indian Ports Act, 1889; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Indian Ports (Amendment) Act, 1903.

of 1889.

Amendment of section 47, and substitution of new section for section 48, Act X, 1889.

2. In section 47 of the Indian Ports Act, 1889, the proviso shall be omitted; and for section 48 of the said Act the following section shall be substituted, namely:—

Port-dues not to be chargeable in certain cases.

"48. No port-due shall be chargeable in respect of—

(*a*) any pleasure-yacht, or

(*b*) any vessel which, having left any port, is compelled to re-enter it by stress of weather or in consequence of having sustained any damage, or

(*c*) any vessel which, having entered any port within the territories administered by the Governor of Fort Saint George in Council, leaves it within forty-eight hours without discharging or taking in any passengers or cargo."

Substitution of new entry for entry in column 4, Part I, First Schedule, Act X, 1889.

3. For the first entry in the fourth column of Part I of the First Schedule to the said Act, the following entry shall be substituted, namely:—

"Whenever the vessel enters the port, except in the case of mail-steamers and coasting-vessels, which shall not be chargeable more than once in sixty days."

4. To

[*Price one anna and three pies.*]

Addition of proviso to *explanation* I, Part II, First Schedule, Act X, 1889.

4. To *explanation* I of Part II of the said Schedule to the said Act, the following proviso shall be added, namely :—

"Provided that, for the purpose of the levy of port-dues, a vessel shall not be deemed, during one and the same voyage, to be both a coasting ship or steamer and a foreign ship or steamer, but port-dues shall, in respect of such voyage, be leviable on such vessel either as a coasting or as a foreign ship or steamer, whichever rate is the higher."

Government of India Central Printing Office.—No. 919 L. D.—7-4-1903—5,500.—G. B.

18097°

DIVISIONAL FOREST OFFICER
DHARWAR
No 970

ACT No. VI OF 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 13th March, 1903.*)

An Act further to amend the Indian Paper Currency Act, 1882.

XX of 1882.

WHEREAS it is expedient further to amend the Indian Paper Currency Act, 1882, in manner hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Indian Paper Currency (Amendment) Act, 1903.

Amendment of Act XX of 1882, sections 16 and 17.

XX of 1882.

2. For sections 16 and 17 of the Indian Paper Currency Act, 1882, the following shall be substituted, namely :—

Notes where legal tender.

"16. A currency note for five rupees, issued from any town not situate in Burma, shall be a legal tender at any place in British India except Burma,

a currency note for five rupees, issued from any town in Burma, shall be a legal tender at any place in Burma, and

a currency note for any amount exceeding five rupees shall be a legal tender at any place within the Circle from which the note was issued,

for the amount expressed in the note, in payment or on account of—

(*a*) any revenue or other claim, to the amount of five rupees and upwards, due to the Government of India, and

(*b*) any sum of five rupees and upwards, due by the Government of India or by any body corporate or person in British India:

Provided

[*Price one anna and three pies.*]

Provided that no currency note shall be deemed to be a legal tender by the Government of India at any office of issue.

Notes where payable.

"17. (*1*) A currency note for five rupees, issued from any town not situate in Burma, shall be payable at any office of issue not situate in Burma.

(*2*) A currency note for five rupees, issued from any town in Burma, shall be payable only at an office of issue in such town.

(*3*) A currency note for any amount exceeding five rupees shall be payable only—

(*a*) at an office of issue of the town from which it was issued, and

(*b*) in the case of notes issued from any town not situate in Burma, also at the Presidency-town of the Presidency within which that town is situate."

Government of India Central Printing Office—No. 920 L. D.—6-4-1903.—5,500—P. M. M.

FORE DIVISION DHARW No 969 OFFICER

THE INDIAN WORKS OF DEFENCE ACT (VII OF 1903).

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[*Price six annas and six pies.*]

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ACT No. VII OF 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

Received the assent of the Governor General on the 20th March, 1903.)

An Act to provide for imposing restrictions upon the use and enjoyment of land in the vicinity of works of defence in order that such land may be kept free from buildings and other obstructions, and for determining the amount of compensation to be made on account of such imposition.

WHEREAS it is expedient to provide for imposing restrictions upon the use and enjoyment of land in the vicinity of works of defence in order that such land may be kept free from buildings and other obstructions and for determining the amount of compensation to be made on account of such imposition; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title and extent.

1. (*1*) This Act may be called the Indian Works of Defence Act, 1903; and

(*2*) It extends to the whole of British India, including British Baluchistan, the Sonthal Parganas and the Pargana of Spiti.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

(*a*) the expression "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth:

(*b*) the

(*b*) the expression "person interested" includes all persons claiming an interest in compensation to be made on account of the imposition of restrictions upon the use and enjoyment of land under this Act; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land:

(*c*) the expression "Command" means one of the principal portions into which the Army of India is, for the time being, divided:

(*d*) the expression "General Officer of the Command" means the General Officer Commanding the Forces in a Command:

(*e*) the expression "Commanding Officer" means the officer for the time being in command of a work of defence:

(*f*) the expression "Collector" includes any officer specially appointed by the Local Government to perform the functions of a Collector under this Act:

(*g*) the expression "Court" means a principal Civil Court of original jurisdiction, unless the Local Government has appointed (as it is hereby empowered to do) a special judicial officer within any specified local limits to perform the functions of the Court under this Act:

(*h*) "maintain", with its grammatical variations and cognate expressions, does not, when used in relation to a house or other construction, include the doing of any act necessary for keeping such house or construction, until the making of the award referred to in section 12 or until the exercise, prior to the making of the award, of the powers of demolition conferred, in case of emergency, by section 6, sub-sections (*1*) and (*3*), in the state in which it was at the time of

of the publication of the notice referred to in section 3, sub-section (*2*) :

(*i*) the following persons shall be deemed "entitled to act" as and to the extent hereinafter provided, that is to say,—

trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any case, and that to the same extent as the persons beneficially interested could have acted if free from disability :

a married woman, in cases to which the English law is applicable, shall be deemed the person so entitled to act, and, whether of full age or not, to the same extent as if she were unmarried and of full age : and

the guardians of minors and the committees or managers of lunatics or idiots shall be deemed respectively the persons so entitled to act, to the same extent as the minors, lunatics or idiots themselves, if free from disability, could have acted :

Provided that—

(*i*) no person shall be deemed "entitled to act" whose interest in the subject-matter is shown to the satisfaction of the Collector or Court to be adverse to the interest of the person interested for whom he would otherwise be entitled to act;

(*ii*) in every case the person interested may appear by a next friend or, in default of his appearance by a next friend, the Collector or Court, as the case may be, shall appoint a guardian for the case to act on his behalf in the conduct thereof;

(*iii*) the provisions of Chapter XXXI of the Code of Civil Procedure shall, *mutatis mutandis*, apply in the case of persons interested

XIV of 1882.

appearing

appearing before a Collector or Court by a next friend, or by a guardian for the case, in proceedings under this Act; and

(*iv*) no person "entitled to act" shall be competent to receive the compensation-money payable to the person for whom he is entitled to act, unless he would have been competent to alienate the land upon the use and enjoyment of which restrictions are to be imposed and receive and give a good discharge for the purchase-money on a voluntary sale.

PART II.

IMPOSITION OF RESTRICTIONS.

Declaration and notice that the restrictions will be imposed.

3. (*1*) Whenever it appears to the Local Government that it is necessary to impose restrictions upon the use and enjoyment of land in the vicinity of any work of defence or of any site intended to be used or to be acquired for any such work, in order that such land may be kept free from buildings and other obstructions, a declaration shall be made to that effect under the signature of a Secretary to such Government or of some officer duly authorized to certify its orders.

(*2*) The said declaration shall be published in the local official Gazette and shall state the district or other territorial division in which the land is situate and the place where a sketch plan of the land, which shall be prepared on a scale not smaller than six inches to the mile and shall distinguish the boundaries referred to in section 7, may be inspected; and the Collector shall cause public notice of the substance of the said declaration to be given at convenient places in the locality.

(*3*) The said declaration shall be conclusive proof that it is necessary to keep the land free from buildings and other obstructions.

4. It

4. It shall be lawful for such officer as the Local Government may, by general or special order, authorize in this behalf, and for his servants and workmen, at any time after publication of the notice mentioned in section 3, sub-section (*2*), to enter upon and survey and take levels of any land in such locality, to dig or bore into the sub-soil, to do all other acts necessary to ascertain whether any and, if so, what restrictions should be imposed on the use and enjoyment of the land, to set out the boundaries of the land upon the use and enjoyment of which restrictions are to be imposed, or of any part of such land, to mark such levels, boundaries and line by placing marks and cutting trenches, and, where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle:

Power to do preliminary acts after publication of notice under section 3, sub-section (*2*).

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

5. The officer so authorized shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid, and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector or other chief revenue-officer of the district, and such decision shall be final.

Payment for damage.

6. (*1*) Whenever a declaration has been made and public notice thereof has been given under section 3, it shall, subject to the provisions of sub-sections (*2*) to (*4*), be lawful for such officer as the Local Government may, by general or special order, authorize in this behalf, and for his servants and workmen, to enter and demolish any buildings or other constructions on the surface, to cut down or grub up all or any

Further powers exercisable after publication of notice under section 3, sub-section (*2*).

any of the trees, to remove or alter all or any of the banks, fences, hedges and ditches, to make underground and other drains, to fill up all excavations, and demolish all buildings and other constructions below the surface, and generally to level and clear the said land and do all such acts for levelling and clearing the same as he may deem necessary, or proper, but in such manner nevertheless that evidence of the boundaries of the lands held by different owners may be preserved.

(*2*) The powers conferred by sub-section (*1*) shall not be exercised,—

(*a*) save as otherwise provided by sub-section (*3*), before the making of the award hereinafter referred to in section 12, nor

(*b*) save as otherwise provided by sub-section (*4*), after the expiration of six months from the making of the said award, or any shorter period on the expiration of which the officer exercising such powers gives notice to the Collector that there will be no further exercise of them.

(*3*) In case of emergency, the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare that all or any powers conferred by sub-section (*1*) may be exercised at any time within six months after the publication of the notice referred to in section 5, sub-section (*2*), and such powers may be exercised accordingly and the said notification shall be conclusive proof of emergency.

(*4*) Nothing in sub-section (*2*) shall be deemed to preclude any such officer or his servants or workmen from exercising at any time the said powers for the purpose of removing, wholly or in part, any building or other obstruction maintained, created, added to, altered, planted, stacked, stored or otherwise accumulated in contravention of this Act or of any rule

or

or order made thereunder or of any condition prescribed in accordance therewith.

Restrictions.

7. From and after the publication of the notice mentioned in section 3, sub-section (*2*), such of the following restrictions as the Local Government may in its discretion declare therein shall attach with reference to such land, namely :—

(*a*) Within an outer boundary which, except so far as is otherwise provided in section 39, sub-section (*4*), may extend to a distance of two thousand yards from the crest of the outer parapet of the work,—

(*i*) no variation shall be made in the ground-level, and no building, wall, bank or other construction above the ground shall be maintained, erected, added to or altered otherwise than with the written approval of the General Officer of the Command, and on such conditions as he may prescribe ;

(*ii*) no wood, earth, stone, brick, gravel, sand or other material shall be stacked, stored or otherwise accumulated :

Provided that, with the written approval of the General Officer Commanding the District and on such conditions as he may prescribe, road-ballast, manure and agricultural produce may be exempted from the prohibition :

Provided, also, that any person having control of the land as owner, lessee or occupier shall be bound forthwith to remove such road-ballast, manure or agricultural produce, without compensation, on the requisition of the Commanding Officer ;

(*iii*) no surveying operation shall be conducted otherwise than by or under the personal supervision of a public servant duly authorized in this behalf, in the case of land

under

under the control of military authority, by the Commanding Officer and, in other cases, by the Collector with the concurrence of the Commanding Officer; and

(*iv*) where any building, wall, bank or other construction above the ground has been permitted under clause (*i*) of this sub-section to be maintained, erected, added to or altered, repairs shall not, without the written approval of the General Officer of the Command, be made with materials different in kind from those employed in the original building, wall, bank or other construction.

(*b*) Within a second boundary which may extend to a distance of one thousand yards from the crest of the outer parapet of the work, the restrictions enumerated in clause (*a*) shall apply with the following additional limitations, namely:—

(*i*) no building, wall, bank or other construction of permanent materials above the ground shall be maintained or erected:

Provided that, with the written approval of the General Officer of the Command and on such conditions as he may prescribe, huts, fences and other constructions of wood or other materials, easily destroyed or removed, may be maintained, erected, added to or altered:

Provided, also, that any person having control of the land as owner, lessee or occupier shall be bound forthwith to destroy or remove such huts, fences or other constructions, without compensation, upon an order in writing signed by the General Officer Commanding the District; and

(*ii*) live hedges, rows or clumps of trees or orchards shall not be maintained, planted, added to or altered otherwise than with the written

written approval of the General Officer of the Command and on such conditions as he may prescribe.

(*c*) Within a third boundary which may extend to a distance of five hundred yards from the crest of the outer parapet of the work, the restrictions enumerated in clauses (*a*) and (*b*) shall apply with the following additional limitation, namely :—

no building or other construction on the surface, and no excavation, building or other construction below the surface, shall be maintained or erected :

Provided that, with the written approval of the Commanding Officer and on such conditions as he may prescribe, open railings and dry brushwood fences may be exempted from this prohibition.

Land to be marked out, measured, registered and planned.

8. As soon as may be, after the publication of the declaration aforesaid, the Collector shall cause the land to be marked out and measured, and shall also prepare a register and a detailed plan, which shall be on a scale not smaller than six inches to the mile, showing accurately every building, tree and other obstruction.

Notice to persons interested.

9. (*1*) At any time before the expiration of—

(*a*) the period of eighteen months from the publication of the declaration referred to in section 3, or

(*b*) such other period not exceeding three years from the said publication as the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, direct in this behalf,

the Collector shall cause public notice to be given at convenient places on or near the land, stating the effect of the said declaration and that claims to compensation for all interests in such land affected by

anything

anything done or ordered in pursuance of such declaration may be made to him:

Provided that, where anything has been done in exercise of the powers conferred, in case of emergency, by section 6, sub-section (*3*), the notice prescribed by this section shall be given as soon as may be thereafter.

(*2*) Such notice shall state the particulars of any damage ordered to be done or, in the case referred to in section 6, sub-section (*3*), done in exercise of any of the powers conferred by the said section, and the particulars of any restrictions attaching to the land under section 7, and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice) and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for damage to such interests and their objections (if any) to the measurements made under section 8. The Collector may in any case require such statement to be made in writing and signed by the party or his agent.

(*3*) The Collector shall also serve notice to the same effect on the occupier (if any) of such land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside or have agents authorized to receive service on their behalf, within the revenue-district in which the land is situate.

(*4*) In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by post in a letter addressed to him at his last known residence, address or place of business.

Power to require and enforce the making of statements as to names and interests.

10. The Collector may also require any such person to make or deliver to him, at a time and place mentioned (such time not being earlier than fifteen days after the date of the requisition), a statement containing,

containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for three years next preceding the date of the statement.

Application of certain sections of the Indian Penal Code.

11. Every person required to make or deliver a statement under section 9 or section 10 shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

XLV of 1860.

Inquiry and award by Collector.

12. On the day fixed under section 9 or on any other day to which the inquiry has been adjourned, the Collector shall proceed to inquire into the objections (if any) which any person interested has stated pursuant to a notice given under the said section to the measurements made under section 8, and into the decrease in the value of the land, and into the respective interests of the persons claiming the compensation, and shall make an award under his hand of—

(*a*) the true area of the land and the nature of the obstructions from which the land is to be kept free;

(*b*) the compensation which in his opinion should be allowed for any damage caused or to be caused under section 6 and for any restrictions imposed under section 7; and

(*c*) the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom or of whose claims he has information, whether they have respectively appeared before him or not.

Award of Collector when to be final.

13. (*1*) Such award shall be filed in the Collector's office and shall, except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested, whether they have respectively

respectively appeared before the Collector or not, of the true area of the land, the nature of the said obstructions from which the land is to be kept free, the damage caused or to be caused under section 6, the value of the rights restricted under section 7, and the apportionment of the compensation among the persons interested.

(*2*) The Collector shall give immediate notice of his award to such of the persons interested as are not present personally or by their representatives when the award is made.

Adjournment of inquiry.

14. The Collector may, for any cause he thinks fit, from time to time adjourn the inquiry to a day to be fixed by him.

Power to summon and enforce attendance of witnesses and production of documents.

15. For the purpose of inquiries under this Act the Collector shall have power to summon and enforce the attendance of witnesses, including the parties interested or any of them, and to compel the production of documents, by the same means, and (so far as may be) in the same manner, as is provided in the case of a Civil Court under the Code of Civil Procedure. XIV of 188

Matters to be considered and neglected.

16. In determining the amount of compensation, the Collector shall be guided by the provisions contained in sections 23 and 24.

Supplementary proceedings.

17. Whenever the officer exercising powers conferred by section 6 considers it necessary that anything in respect of which any person is or may be entitled to compensation but of which no notice has been given or compensation awarded, under sections 9 and 12, respectively, should be done in pursuance of the said powers, the Collector shall cause supplementary notice to be given, as nearly as may be, in the manner prescribed by section 9 and subject to the limit of time imposed by sub-section (*1*) of that section, and the provisions of sections 10 to 16 shall, so far as they are applicable, be deemed to apply to any further inquiry

inquiry and award which may be held or made in consequence of such supplementary notice.

PART III.

Reference to Court and Procedure thereon.

Reference to Court.

18. (*1*) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested:

Provided that every such application shall be made,—

(*a*) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(*b*) in other cases, within six weeks of the receipt of the notice from the Collector under section 13, sub-section (*2*), or within six months from the date of the Collector's award, whichever period shall first expire.

(*2*) The application shall state the grounds on which objection to the award is taken.

Collector's statement to the Court.

19. (*1*) In making the reference the Collector shall state, for the information of the Court, in writing under his hand,—

(*a*) the situation and extent of the land with particulars of any damage caused under section 6 or of restrictions imposed under section 7;

(*b*) the names of the persons whom he has reason to think interested in such land;

(*c*) the

(*c*) the amount of compensation awarded under section 12 ; and,

(*d*) if the objection be to the amount of the compensation, the grounds on which the amount of compensation was determined.

(*2*) To the said statement shall be attached a schedule giving the particulars of the notices served upon, and of the statements in writing made or delivered by, the parties interested respectively.

Service of notice.

20. The Court shall thereupon cause a notice specifying the day on which the Court will proceed to determine the objection, and directing their appearance before the Court on that day, to be served on the following persons, namely :—

(*a*) the applicant;

(*b*) all persons interested in the objection, except such (if any) of them as have consented without protest to receive payment of the compensation awarded ; and,

(*c*) if the objection is in regard to the area of the land, the nature of the obstructions or the amount of the compensation, the Collector.

Restriction on scope of proceedings.

21. The scope of the inquiry in every such proceeding shall be restricted to a consideration of the interests of the persons affected by the objection.

Proceedings to be in open Court.

22. Every such proceeding shall take place in open Court, and all persons entitled to practise in any Civil Court in the Province shall be entitled to appear, plead and act, as the case may be, in such proceeding.

Matters to be considered in determining compensation.

23. (*1*) In determining the amount of compensation to be awarded for damage caused, or to be caused, or for restrictions imposed under this Act, the Court shall take into consideration—

(*a*) the actual decrease in market-value of the land owing to the publication of the declaration relating thereto under section 3 and

and any damage caused or to be caused under section 6;

(*b*) the damage sustained by the person interested, by reason of the removal of any standing crops in the exercise of any power conferred by section 6;

(*c*) the damage (if any) sustained by the person interested, by reason of ceasing to be able to use such land conjointly with his other land;

(*d*) the damage (if any) sustained by the person interested by anything done or ordered under sections 6 and 7 injuriously affecting his other property, moveable or immoveable, in any other manner, or his earnings; and,

(*e*) if, in consequence of the imposition of restrictions, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change.

(*2*) In addition to the amount representing the actual decrease in the market-value of the land as above provided, the Court shall in every case award a further sum of fifteen per centum on such amount.

Matters not to be considered in determining compensation.

24. In determining the amount of compensation to be awarded for damage caused, or to be caused, or for restrictions imposed under this Act, the Court shall not take into consideration—

(*a*) the degree of urgency which has led to the damage or the imposition of restrictions;

(*b*) any disinclination of the person interested to submit to damage or restrictions;

(*c*) any damage sustained by him, which, if caused by a private person, would not render such person liable to a suit;

(*d*) any

(*d*) any increase to the value of the other land of the person interested, accruing or likely to accrue from anything done under this Act; or

(*e*) any outlay or improvements on, or disposal of, the land commenced, made or effected without the sanction of the Collector after the date of the publication of the declaration under section 3.

Rules as to amount of compensation.

25. (*1*) When the applicant has made a claim to compensation, pursuant to any notice given under section 9, the amount awarded to him by the Court shall not exceed the amount so claimed or be less than the amount awarded by the Collector under section 12.

(*2*) When the applicant has refused to make such claim or has omitted without sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded by the Court shall in no case exceed the amount awarded by the Collector.

(*3*) When the applicant has omitted for a sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded to him by the Court shall not be less than, and may exceed, the amount awarded by the Collector.

Form of awards.

26. Every award under this Part shall be in writing signed by the Judge, and shall specify the amount awarded under section 23, sub-section (*1*), clause (*a*), and also the amounts (if any) respectively awarded under each of the other clauses of the same sub-section, together with the grounds of awarding each of the said amounts.

Costs.

27. (*1*) Every such award shall also state the amount of costs incurred in the proceedings under this Part, and by what persons and in what proportion they are to be paid.

(*2*) When the award of the Collector is not upheld,

held, the costs shall ordinarily be paid by the Collector, unless the Court is of opinion that the claim of the applicant was so extravagant or that he was so negligent in putting his case before the Collector that some deduction from his costs should be made or that he should pay a part of the Collector's costs.

Collector may be directed to pay interest on excess compensation.

28. If the sum which, in the opinion of the Court, the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation, the Court may direct that the Collector shall pay interest on such excess at the rate of six per centum per annum from the date of his award to the date of payment of such excess into Court.

PART IV.

APPORTIONMENT OF COMPENSATION.

Particulars of apportionment to be specified.

29. Where there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, and as between such persons the award shall be conclusive evidence of the correctness of the apportionment.

Dispute as to apportionment.

30. When the amount of compensation has been settled under section 12, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Collector may refer such dispute to the decision of the Court.

PART V.

PAYMENT.

Payment of compensation or deposit of same in Court.

31. (*1*) On making an award under section 12, the Collector shall tender payment of the compensation

tion awarded by him to the persons interested entitled thereto according to the award, and shall pay it to them unless prevented by some one or more of the contingencies mentioned in sub-section (*2*).

(*2*) If they do not consent to receive it, or if there is no person competent to alienate the land, or if there is any dispute as to the title to receive the compensation or as to the apportionment of it, the Collector shall deposit the amount of the compensation in the Court to which a reference under section 18 would be submitted:

Provided, first, that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided, secondly, that no person who has received the amount otherwise than under protest shall be entitled to make any application under section 18:

Provided, thirdly, that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.

(*3*) Notwithstanding anything in this section, the Collector may, with the sanction of the Local Government, instead of awarding a money-compensation in respect of any land, make any arrangement with a person having a limited interest in such land, either by the grant of other lands in exchange, or by the remission of land-revenue on the same or on other lands held under the same title, or in such other way as may be equitable having regard to the interests of the parties concerned.

(*4*) Nothing in sub-section (*3*) shall be construed to interfere with or limit the power of the Collector to enter into any arrangement with any person interested in the land and competent to contract in respect thereof.

32. (*1*) If

Investment of money deposited in respect of lands belonging to persons incompetent to alienate.

32. (*1*) If any money is deposited in Court under section 31, sub-section (*2*), and it appears that the land in respect of which the same was awarded belonged to any person who had no power to alienate the same, the Court shall order the money to be invested—

(*a*) in the purchase of other lands to be held under the like title and conditions of ownership as the land in respect of which such money was deposited is held, or,

(*b*) if such purchase cannot be effected forthwith, then in such Government or other approved securities as it thinks fit;

and shall direct the payment of the interest or other proceeds arising from such investment to the person or persons who would for the time being have been entitled to the possession of the said land, and such moneys shall remain so deposited and invested until the same are applied—

(*i*) in the purchase of such other lands as aforesaid; or

(*ii*) in payment to any person or persons becoming absolutely entitled thereto.

(*2*) In all cases of moneys deposited to which this section applies, the Court shall order the cost of the following matters, including therein all reasonable charges and expenses incident thereto, to be paid by the Collector, namely :—

(*a*) the costs of such investments as aforesaid;

(*b*) the costs of the orders for the payment of the interest or other proceeds of the securities in which such moneys are for the time being invested, and for the payment out of Court of the principal of such moneys and the costs of all proceedings relating thereto, except such as may be occasioned by litigation between adverse claimants.

33. If

Investment of money deposited in other cases.

33. If any money is deposited in Court under this Act for any cause other than that mentioned in section 32, the Court may, on the application of any party interested or claiming an interest in such money, order the same to be invested in such Government or other approved securities as it thinks fit, and may direct the interest or other proceeds of any such investment to be accumulated and paid in such manner as will, in its opinion, give the parties interested therein the same benefit therefrom as they might have had from the land in respect of which such money was deposited or as near thereto as may be.

Payment of interest.

34. When the amount of any compensation awarded under this Act is not paid or deposited within fifteen days of making the award, the Collector shall pay the amount awarded with interest thereon at the rate of six per centum per annum from the date of the award until it is so paid or deposited.

PART VI.

MISCELLANEOUS.

Service of notices.

35. (*1*) Service of any notice under this Act shall be made by delivering or tendering a copy thereof signed, in the case of a notice under section 3, sub-section (*2*), by the officer therein mentioned, and, in the case of any other notice, by or by order of the Collector or the Judge.

(*2*) Whenever it may be practicable, the service of the notice shall be made on the person therein named.

(*3*) When such person cannot be found, the service may be made on any adult male member of his family residing with him; and, if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or

or carries on business, or by fixing a copy thereof in some conspicuous place in the office of the officer aforesaid or of the Collector or in the court-house and also in some conspicuous part of the land upon which restrictions are to be imposed :

Provided that, if the Collector or Judge so directs, a notice may be sent by post in a letter addressed to the person named therein at his last known residence, address or place of business, and service of it may be proved by the production of the addressee's receipt.

Penalties.

36. Whoever wilfully—

(*a*) obstructs any person in doing any of the acts authorized by section 4, section 6 or section 8, or

(*b*) destroys, damages, alters or otherwise interferes with the ground-level or any work done under section 6, or

(*c*) contravenes any of the provisions of section 7 or any condition prescribed thereunder,

shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both, and, in the case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first in regard to which he is convicted of having persisted in the offence ; and any expenses incurred in removing the effects of his offence may be recovered from him in the manner provided by the law for the time being in force for the recovery of fines.

Magistrate to enforce the terms of the Act.

37. If the Collector or officer authorized under section 6 is opposed or impeded in doing anything directed or permitted by this Act, he shall, if a Magistrate, enforce compliance, and, if not a Magistrate, he shall apply to a Magistrate or (within the towns of Calcutta, Madras, Bombay and Rangoon) to the Commissioner of Police, and such Magistrate or Commissioner

Commissioner (as the case may be) shall enforce compliance.

Completion of imposition of restrictions not compulsory, but compensation to be awarded when not completed.

38. (*1*) The Local Government shall be at liberty to withdraw from the imposition of any declared restrictions before any of the measures authorized by section 6 have been taken.

(*2*) Whenever the Local Government withdraws the imposition of any declared restrictions, the Collector shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings thereunder, and shall pay such amount to the person interested, together with all costs reasonably incurred by him in the prosecution of the proceedings under this Act relating to the said restrictions.

(*3*) The provisions of Part III shall apply, so far as may be, to the determination of the compensation payable under this section.

Demolition of part of house or building and imposition of restrictions on part of land.

39. (*1*) The provisions of this Act shall not be put in force for the purpose of demolishing or acquiring the right to demolish a part only of any house, manufactory or other building, if the owner desires that the whole of such house, manufactory or building shall be demolished or that the right to demolish the whole of it shall be acquired :

Provided that the owner may at any time before the Collector has made his award under section 12, by notice in writing, withdraw or modify his expressed desire that the whole of such house, manufactory or building shall be demolished, or that the right to demolish the whole of it shall be acquired :

Provided, also, that, if any question shall arise as to whether any building or other construction proposed to be demolished under this Act does or does not form part of a house, manufactory or building within the meaning of this section, the Collector shall refer the determination of such question to the Court and such building or other construction shall not

not be demolished until after the question has been determined.

In deciding on such a reference the Court shall have regard to the question whether the building or other construction proposed to be demolished is reasonably required for the full and unimpaired use of the house, manufactory or building.

(*2*) If, in the case of any claim of the kind referred to in section 23, sub-section (*1*), clause (*c*), by a person interested, on account of ceasing to be able to use the land, upon the use and enjoyment of which restrictions are to be imposed, conjointly with his other land, the Local Government is of opinion that the claim is unreasonable or excessive, it may, at any time before the Collector has made his award, order the imposition of restrictions upon the whole of the land of which the land upon the use and enjoyment of which it was first sought to impose restrictions forms a part.

(*3*) In the case provided for by sub-section (*2*) no fresh declaration or other proceeding under sections 3 to 10 shall be necessary; but the Collector shall without delay furnish a copy of the order of the Local Government to the person interested, and shall thereafter proceed to make his award under section 12.

(*4*) Notwithstanding anything contained in section 7, clause (*a*), any land, upon the use and enjoyment of which restrictions are imposed under this section, may be included in the outer boundary, even though its distance from the crest of the outer parapet of the work exceeds two thousand yards.

Exemption from stamp-duty and fees.

40. No award or agreement made under this Act shall be chargeable with stamp-duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

Notice in case of suits for anything done in pursuance of Act.

41. No suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act, without giving

to

to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amends.

Code of Civil Procedure to apply to proceedings before Court.

42. Save in so far as they may be inconsistent with anything contained in this Act, the provisions of the Code of Civil Procedure shall apply to all proceedings before the Court under this Act. XIV of 1882

Appeals in proceedings before Court.

43. Subject to the provisions of the Code of Civil Procedure applicable to appeals from original decrees, an appeal shall lie to the High Court from the award or from any part of the award of the Court in any proceeding under this Act. XIV of 1882.

Power to make rules.

44. (*1*) The Governor General in Council and the Local Government, with the previous sanction of the Governor General in Council, may make rules for the guidance of officers in all matters connected with the enforcement of this Act.

(*2*) The power to make rules under sub-section (*1*) shall be subject to the condition of the rules being made after previous publication.

(*3*) All rules made under sub-section (*1*) shall be published in the local official Gazette, and shall thereupon have effect as if enacted in this Act.

Government of India Central Printing Office,—No. 1 L. D.—6·5·1903.—5,600.—H. D. R.

DIVISION OF FORESTS OFFICE DHARWAR

ACT No. VIII OF 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 20th March, 1903.*)

An Act to extend to all High Courts the power to grant Probates of Wills and Letters of Administration having effect throughout British India, and to confer upon District Judges the power to grant such probates in certain cases.

WHEREAS it is expedient to extend to all High Courts the power to grant probates of wills and letters of administration having effect throughout British India, and to confer upon District Judges the power to grant such probates in certain cases; It is hereby enacted as follows:—

1. This Act may be called the Probate and Administration Act, 1903. Short title

The Indian Succession Act, 1865.

of 1865. 2. In the Indian Succession Act, 1865, the following amendments shall be made, namely:— Amendment of sections 187, 242, 242A, 244, 246 and 250, Act X, 1865.

(*1*) In section 187, for the words "within the Province" the words "in British India," and for the words "under the one hundred and eightieth section" the words "with the will, or with a copy of an authenticated copy of the will, annexed," shall respectively be substituted.

(*2*) To section 242 the following proviso shall be added, namely:—

"Provided that probates and letters of administration granted—

(*a*) by a High Court, or

(*b*) by

[*Price two annas and three pies.*]

(*b*) by a District Judge, where the deceased at the time of his death had his fixed place of abode situate within the jurisdiction of such Judge, and such Judge certifies that the value of the property and estate affected beyond the limits of the Province does not exceed ten thousand rupees,

shall, unless otherwise directed by the grant, have like effect throughout the whole of British India."

(*3*) After the said proviso the following section shall be inserted, namely :—

Transmission to High Courts of certificate of grants under proviso to section 242.

"242A. (*1*) Where probate or letters of administration has or have been granted by a High Court or District Judge with the effect referred to in the proviso to section 242, the High Court or District Judge shall send a certificate thereof to the following Courts, namely :—

(*a*) when the grant has been made by a High Court, to each of the other High Courts,

(*b*) when the grant has been made by a District Judge, to the High Court to which such District Judge is subordinate and to each of the other High Courts.

(*2*) Every certificate referred to in sub-section (*1*) shall be to the following effect, namely :—

'I, *A. B.*, Registrar [*or as the case may be*] of the High Court of Judicature at

[*or as the case may be*], hereby certify that on the day of , the High Court of Judicature at [*or as the case may be*] granted probate of the will [*or* letters of administration of the estate] of *C. D.*, late of , deceased, to *E. F.* of and *G. H.* of , and that such probate [*or* letters] has [*or* have] effect over all the property of the deceased throughout the whole of British India ;'

and such certificate shall be filed by the High Court receiving the same.

(*3*) Where any portion of the assets has been stated

stated by the petitioner, as hereinafter provided in sections 244 and 246, to be situate within the jurisdiction of a District Judge in another Province, the Court required to send the certificate referred to in sub-section (*1*) shall send a copy thereof to such District Judge, and such copy shall be filed by the District Judge receiving the same."

(*4*) To sections 244 and 246, respectively, the following paragraph shall be added, namely :—

" Where the application is to the District Judge and any portion of the assets likely to come to the petitioner's hands is situate in another Province, the petition shall further state the amount of such assets in each Province and the District Judges within whose jurisdiction such assets are situate."

(*5*) After section 246 the following section shall be inserted, namely :—

Addition to statement in petition, etc., probate or letters of administration in certain cases.

"246A. (*1*) Every person applying to any of the Courts mentioned in the proviso to section 242 for probate of a will or letters of administration of an estate intended to have effect throughout British India, shall state in his petition, in addition to the matters respectively required by section 244 and section 246 of this Act, that to the best of his belief no application has been made to any other Court for a probate of the same will or for letters of administration of the same estate, intended to have such effect as last aforesaid,

or, where any such application has been made, the Court to which it was made, the person or persons by whom it was made and the proceedings (if any) had thereon.

(*2*) The Court to which any such application is made under the proviso to section 242, may, if it thinks fit, reject the same."

(*6*) To section 250 the following paragraph shall be added, namely :—

" Where any portion of the assets has been stated by the petitioner to be situate within the jurisdiction of

of a District Judge in another Province, the District Judge issuing the same shall cause a copy of the citation to be sent to such other District Judge, who shall publish the same in the same manner as if it were a citation issued by himself and shall certify such publication to the District Judge who issued the citation."

(7) After section 277 the following section shall be inserted, namely :—

Inventory to include property in any part of British India in certain cases.

"277A. In all cases where a grant has been made of probate or letters of administration intended to have effect throughout the whole of British India, the executor or administrator shall include in the inventory of the effects of the deceased all his moveable or immoveable property situate in British India,

and the value of such property situate in each Province shall be separately stated in such inventory, and the probate or letters of administration shall be chargeable with a fee corresponding to the entire amount or value of the property affected thereby wheresoever situate within British India."

The Probate and Administration Act, 1881.

Amendment of sections 59, 60, 62, 64 and 69, Act V, 1881.

3. In the Probate and Administration Act, 1881, V of the following amendments shall be made, namely :—

(1) In section 59, for the proviso the following proviso shall be substituted, namely :—

"Provided that probates and letters of administration granted—

(a) by a High Court, or

(b) by a District Judge, where the deceased at the time of his death had his fixed place of abode situate within the jurisdiction of such Judge, and such Judge certifies that the value of the property affected beyond the limits of the Province does not exceed ten thousand rupees,

shall, unless otherwise directed by the grant, have like effect throughout the whole of British India."

(2) For

(*2*) For section 60 the following section shall be substituted, namely :—

"60. (*1*) Where probate or letters of administration has or have been granted by a Court with the effect referred to in the proviso to section 59, the High Court or District Judge shall send a certificate thereof to the following Courts, namely :— Transmission to High Courts of certificates of grants under proviso to section 59.

(*a*) when the grant has been made by a High Court, to each of the other High Courts,

(*b*) when the grant has been made by a District Judge, to the High Court to which such District Judge is subordinate and to each of the other High Courts.

(*2*) Every certificate referred to in sub-section (*1*) shall be to the following effect, namely :—

'I, *A. B.*, Registrar [*or as the case may be*] of the High Court of Judicature at [*or as the case may be*], hereby certify that on the day of the High Court of Judicature at [*or as the case may be*] granted probate of the will [*or* letters of administration of the estate] of *C. D.*, late of , deceased, to *E. F.* of and *G. H.* of, , and that such probate [*or* letters] has [*or* have] effect over all the property of the deceased throughout the whole of British India ;'

and such certificate shall be filed by the High Court receiving the same.

(*3*) Where any portion of the assets has been stated by the petitioner, as hereinafter provided in sections 62 and 64, to be situate within the jurisdiction of a District Judge in another Province, the Court required to send the certificate referred to in sub-section (*1*) shall send a copy thereof to such District Judge, and such copy shall be filed by the District Judge receiving the same."

(*3*) To sections 62 and 64, respectively, the following paragraph shall be added, namely :—

"When the application is to the District Judge and any portion of the assets likely to come to the petitioner's

petitioner's hands is situate in another Province, the petition shall further state the amount of such assets in each Province and the District Judges within whose jurisdiction such assets are situate."

(*4*) To section 69 the following paragraph shall be added, namely :—

"Where any portion of the assets has been stated by the petitioner to be situate within the jurisdiction of a District Judge in another Province, the District Judge issuing the same shall cause a copy of the citation to be sent to such other District Judge, who shall publish the same in the same manner as if it were a citation issued by himself and shall certify such publication to the District Judge who issued the citation."

Repeals.

Repeals.

4. The Probate and Administration Act, 1875, XIII of sections 2, 3, 4 and 5, and the Probate and Administration Act, 1877, are hereby repealed. II of 18

Government of India Central Printing Office,—No. 2 L. D.—1-5-1903.—5,000.—W. H. A.

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DHARWA... No 968

ACT No. IX of 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 20th March, 1903.*)

An Act to provide for the levy of customs-duty on Indian tea exported from British India, and to amend section 5 of the Indian Tariff Act, 1894.

WHEREAS it is expedient to provide for the creation of a fund to be expended for the promotion of the interests of the tea industry in India by a Committee specially constituted in this behalf;

and whereas for this purpose it is expedient to levy customs-duty on tea produced in India and exported from British India, and to amend section 5 of the Indian Tariff Act, 1894;

VIII of 1894.

It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the Indian Tea Cess Act, 1903; and

(*2*) It extends to the whole of British India except Aden.

Definitions.

2. In this Act,—

(*a*) "Collector" means, in reference to tea exported by sea, a Customs-collector as defined in clause (*c*) of section 3 of the Sea Customs Act, 1878, and, in reference to tea passing out of British India by land, the Collector of the district;

VIII of 1878.

(*b*) "tea cess" means the customs-duty imposed by section 3 of this Act and by section 5 of the Indian Tariff Act, 1894, as amended by this Act; and

VIII of 1894.

(*c*) "Tea

[*Price one anna and nine pies.*]

(*c*) "Tea Cess Committee" means the Committee constituted under section 4.

Imposition of duty on exports of Indian tea.

3. On and from the first day of April, 1903, a customs-duty shall be levied and collected on all tea produced in India and exported from any customs-port to any port beyond the limits of British India or to Aden at the rate of one-quarter of a pie per pound, or at such lower rate as the Governor General in Council may, on the recommendation of the Tea Cess Committee, prescribe by notification in the Gazette of India.

Constitution of Tea Cess Committee.

4. (*1*) The Governor General in Council shall constitute a Committee to receive and expend the proceeds of the tea cess.

(*2*) The Committee shall in the first instance consist of twenty members, who shall be appointed by the Governor General in Council on the recommendation of the following bodies and authorities, namely:—

(*a*) three on the recommendation of the Bengal Chamber of Commerce, and one on the recommendation of the Madras Chamber of Commerce;

(*b*) seven on the recommendation of the Indian Tea Association, Calcutta; and

(*c*) nine on the recommendation of such respective bodies or authorities interested in the production of tea in India, and established in British India, as the Governor General in Council may appoint in this behalf:

Provided that if, within the period prescribed in this behalf by rules made under this Act, any of the said bodies or authorities fails to make any recommendation, or to make the full number of recommendations which it is entitled to make, the Governor General in Council may appoint the required number of members of the Committee of his own motion without such recommendation.

(*3*) Whenever any member appointed either on the

the recommendation of any body or authority referred to in sub-section (*2*), or in default of such recommendation, dies, resigns, ceases to reside in British India or becomes incapable of acting as a member of the Committee, the Governor General in Council may, in his discretion, on the recommendation of such body or authority, or in default of such recommendation, appoint another person to be a member in his stead.

(*4*) No act done by the Tea Cess Committee shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Committee.

Application of proceeds of tea cess.

5. (*1*) At the close of each month, or as soon thereafter as may be convenient, the Collector shall pay the proceeds of the tea cess, after deducting the expenses of collection (if any), to the Tea Cess Committee.

(*2*) The said proceeds and any other moneys received by the Committee in this behalf shall be applied by the Committee towards meeting the cost of such measures as the Committee may consider it advisable to take for promoting the sale and increasing the consumption in India and elsewhere of teas produced in India.

Keeping and auditing of accounts.

6. (*1*) The Tea Cess Committee shall keep accounts of all money received and expended under section 5.

(*2*) Such accounts shall be examined and audited annually by auditors appointed in this behalf by the Governor General in Council; and such auditors may disallow any item which has, in their opinion, been expended out of any money so received otherwise than as directed by or under this Act.

(*3*) If any item is disallowed, an appeal shall lie to the Governor General in Council, whose decision shall be final.

Power to make rules.

7. (*1*) The Governor General in Council, after consulting the Tea Cess Committee and after previous publication, may make rules to carry out the purposes of this Act.

(*2*) In

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the nomination and appointment of members of the Committee, and the procedure of the Committee,

(b) the levy and payment of the cess, and

(c) the form of accounts to be kept and the publication of an abstract of such accounts with the report of the auditors thereon.

(3) All such rules shall be published in the Gazette of India.

Amendment of Act VIII of 1894, section 5.

8. In section 5 of the Indian Tariff Act, 1894, for the words "shall be levied at the rates respectively prescribed in the second, third and fourth schedules on goods passing by land out of, and in the fifth schedule on goods passing by land into" the words "at such rates as may be prescribed by or under this Act or by or under any law for the time being in force relating to customs-duties on imports and exports, respectively, into and from ports, shall be levied on goods passing by land out of or into" shall be substituted. VIII of 1894.

Time during which sections 2 to 7 are to remain in force.

9. Sections 2 to 7 shall remain in force only until the thirty-first day of March, 1908:

Provided that the Governor General in Council may, on the recommendation of the Tea Cess Committee, declare, by notification in the Gazette of India, that the said sections shall continue in force for any further period specified in such notification.

Disposal of surplus proceeds of tea cess.

10. If any proceeds of the tea cess or any moneys so received as aforesaid remain unexpended when sections 2 to 7 cease to be in force, they shall vest in His Majesty.

Government of India Central Printing Office,—No. 8 L. D.—5-5-1903.—5,000 -H. D'R.

ACT No. X of 1903.

DIVISIONAL FORESTER DHARWAR No 967

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 20th March, 1903.)

An Act to provide for the erection and management of the Victoria Memorial at Calcutta.

WHEREAS it is intended to erect at Calcutta a building as a Memorial of the Life and Reign of Her late Majesty Victoria of the United Kingdom of Great Britain and Ireland Queen, Empress of India, and for this purpose large sums of money have been subscribed by the Princes and People of India;

And whereas at a meeting of subscribers held in Calcutta certain persons were appointed a Provisional Executive Committee to take the custody of the said moneys;

And whereas it is expedient to make provision for the erection, maintenance and management of the Memorial and for the appointment of a permanent body of Trustees;

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Victoria Memorial Act, 1903; and

(*2*) It shall come into force at once.

Trustees.

2. (*1*) The Trustees of the Victoria Memorial (hereinafter called the Trustees) shall be the following, namely:—

(*a*) the Governor General of India,

(*b*) the Lieutenant-Governor of Bengal,

(*c*) the Chief Justice of Bengal,

(*d*) two persons of high rank nominated by the Governor General to represent the Chiefs and Nobles of India,

(*e*) the Secretary to the Government of India in the Foreign Department,

(*f*) the

[*Price one anna and six pies.*]

(*f*) the President of the Bengal Chamber of Commerce,

(*g*) the Chairman of the Corporation of Calcutta, and

(*h*) such and so many persons as shall from time to time be nominated by the trustees with the approval of the Governor General to represent the general body of subscribers.

(*2*) The Trustees shall be a body corporate, with perpetual succession by the name of "The Trustees of the Victoria Memorial" and a common seal, and in that name shall sue and be sued, and shall have power to acquire and hold property, to enter into contracts, and to do all acts necessary for and consistent with the purposes of this Act.

(*3*) All acts done by a majority of those present and voting at a meeting of the Trustees shall be deemed to be acts of the Trustees.

(*4*) No act of the Trustees shall be deemed to be invalid merely by reason of any vacancy in, or defect in the constitution of, the body of the Trustees.

(*5*) In the case of *ex officio* Trustees the person for the time being performing the duties of any of the offices mentioned in sub-section (*1*) shall act as a Trustee.

(*6*) The Trustees may appoint a person to act as their Secretary.

(*7*) Orders for the payment of money on behalf of the Trustees shall be deemed to be sufficiently authenticated if signed by two Trustees and countersigned by the Secretary.

Property vested in Trustees.

3. All sums of money now in the custody of the said Provisional Executive Committee and all other property, whether moveable or immoveable, which have been or may hereafter be given, bequeathed or otherwise transferred for the purposes of the said Memorial or acquired for the said purposes by the Trustees shall vest in the Trustees.

4. All

4. All officers and servants employed by the Trustees shall be deemed to be public servants within the meaning of the Indian Penal Code: **Officers and servants to be public servants.**

XLV of 1860.

Provided that this section shall not apply to persons in the service of any contractor employed by the Trustees.

5. (*1*) The Governor General in Council may make rules to carry out the purposes of this Act. **Rules.**

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide—

(*a*) for the manner in which Trustees, other than *ex officio* Trustees, shall be appointed, and for the periods of time for which such Trustees shall hold office;

(*b*) for the manner in which meetings of the Trustees shall be convened, the quorum necessary for the transaction of business, and the procedure at such meetings;

(*c*) for the appointment of Committees of the Trustees, and the powers of expenditure and control which may be delegated to such Committees;

(*d*) for the erection, maintenance and management of the Memorial, the care and custody of the objects deposited therein, and the conditions under which the public shall have access thereto;

(*e*) for the form of accounts to be kept by the Trustees, and for the audit and publication of such accounts; and

(*f*) for the application to the officers and servants employed by the Trustees of the rules which apply to the civil servants of the Crown, or to any class of such civil servants.

Government of India Central Printing Office.—No. 4 L. D.—5-5-1903.—5,600.—H. D'R.

DIVISIONAL FOREST OFFICER
DHARWAR
No 974

ACT No. XI OF 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 25th March, 1903.)

An Act further to amend the Indian Income-tax Act, 1886.

WHEREAS it is expedient further to amend the Indian Income-tax Act, 1886; It is hereby enacted as follows:— II of 1886.

Short title and commencement.

1. (*1*) This Act may be called the Indian Income-tax (Amendment) Act, 1903; and

(*2*) It shall come into force on the first day of April, 1903.

Amendments in Act II of 1886.

2. (*1*) In section 5, sub-section (*1*), clause (*j*), of the Indian Income-tax Act, 1886, for the words "five hundred" the words "one thousand" shall be substituted. II of 1886.

(*2*) In section 41 of the said Act, for the words "forty-one rupees ten annas and eight pies" and "five hundred", the words "eighty-three rupees five annas and four pies" and "one thousand", respectively, shall be substituted.

(*3*) In the second column of Part III of the Second Schedule to the said Act, for the figures "500" the figures "1,000" shall be substituted.

(*4*) For sub-head (*a*) in the second column of Part IV of the said Schedule the following sub-head shall be substituted, namely:—

"(*a*) If the annual income is assessed at—

not less than Rs.	1,000	but less than Rs.	1,250	the tax shall be Rs.	20
" " "	1,250	" "	1,500	" "	28
" " "	1,500	" "	1,750	" "	35
" " "	1,750	" "	2,000	" "	42"

[*Price one anna.*]

Government of India Central Printing Office,—No. 1155 L. D.—1-4-1903,—6,600—H. D. R.

DIVISIONAL FOREST OFFICE
INWD. REGR No. 1111
DATE 18.6.04
DHARWAR.

ACT No. XII OF 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 28th August, 1903.)

An Act further to amend the Indian Tariff Act, 1894.

WHEREAS it is expedient further to amend the Indian Tariff Act, 1894; It is hereby enacted as follows:—

VIII of 1894.

Short title and duration.

1. (*1*) This Act may be called the Indian Tariff (Amendment) Act, 1903.

(*2*) Section 3 shall remain in force until the thirty-first day of March, 1904.

Amendment of section 8A, Act VIII, 1894.

2. In section 8A, sub-section (*1*), of the Indian Tariff Act, 1894, as amended by section 2 of the Indian Tariff Amendment Act, 1899, before the words "the exportation therefrom" the words "the production therein or" shall be inserted.

VIII of 1894. XIV of 1899.

Addition of new section, 8C, to Act VIII, 1894.

3. After section 8B of the Indian Tariff Act, 1894, as amended by section 2 of the Indian Tariff (Amendment) Act, 1902, the following section shall be added, namely:—

VIII of 1894. VIII of 1902.

Continuation of duties chargeable under section 8A or 8B on 31st August, 1903.

"8C. Notwithstanding that the condition precedent to the imposition of a duty under section 8A may have ceased to exist, and notwithstanding anything in section 1, sub-section (*2*), of the Indian Tariff (Amendment) Act, 1902, any duties which may have been imposed and are chargeable under section 8A or section 8B on the thirty-first day of August, 1903, shall continue to be chargeable in accordance with any rules in force on the said date:

VIII of 1902.

Provided that the Governor General in Council may, by notification in the Gazette of India, reduce the rate at which any such duty is levied, and amend or vary any such rules as aforesaid."

[*Price one anna.*]

Government of India Central Printing Office.—No. 218 L. D.—17-9-03.—5,500.—W. S. D'R.

DIVISIONAL FOREST OFFICE
REGR. No. 1116
DATE 18.6.04
DHARWAR.

ACT No. XIII OF 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 18th September, 1903.*)

An Act further to amend the Lepers Act, 1898.

XIII of 1898.

WHEREAS it is expedient further to amend the Lepers Act, 1898, by providing for the segregation and medical treatment in British India of lepers belonging to Native States; It is hereby enacted as follows:

Short title.

1. This Act may be called the Lepers (Amendment) Act, 1903.

III of 1898.

Addition of new section after section 18, Act III, 1898.

2. After section 18 of the Lepers Act, 1898, the following section shall be added, namely:

Lepers from Native States.

"19. The Governor General in Council may, by notification in the Gazette of India, direct that any leper or class of lepers, with respect to whom an order for segregation and medical treatment has been made by a Magistrate having jurisdiction within the territories of any Native Prince or State in India, may be sent to any leper-asylum specified in such order; and thereupon the provisions of this Act and of any rules made thereunder shall, with such modifications not affecting the substance as may be reasonable and necessary to adapt them to the subject-matter, apply to any leper sent to a leper-asylum in pursuance of such notification as though he had been sent by the order of a Magistrate having jurisdiction under this Act."

[*Price one anna.*]

Government of India Central Printing Office.—No. 427 L. D.—10-10-1903—5,500—R. S. W.

CIVIL FOREST OFFICE
No. 997
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ACT No. XIV OF 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 23rd October, 1903.)

An Act to give effect to the Foreign Marriages Order in Council, 1903.

WHEREAS it is expedient to give effect to the Foreign Marriages Order in Council, 1903; It is hereby enacted as follows:—

Short title, extent and application.

1. (*1*) This Act may be called the Indian Foreign Marriage Act, 1903;

(*2*) It extends to the whole of British India, inclusive of British Baluchistan, the Santhal Parganas, the Shan States and the Pargana of Spiti; and

(*3*) It applies also to all British subjects and to all servants of the King, whether British subjects or not, in the territories of any Native Prince or State in India.

Notice of marriage intended to be solemnized under 55 & 56 Vict., c. 23.

55 & 56 Vict., c. 23.

2. (*1*) Notice in writing of a marriage which it is intended to solemnize under the Foreign Marriage Act, 1892, may be given by one of the parties intending such marriage, to—

XV of 1872.

(*a*) a Marriage Registrar appointed under the Indian Christian Marriage Act, 1872, where either of such parties is a person professing the Christian religion;

(*b*) a District Magistrate, Chief Presidency Magistrate or Political Agent, where neither of such parties is a person professing the Christian religion:

Provided that the party giving such notice as aforesaid shall have had his usual place of abode for not

[*Price One Anna and Three Pies.*]

not less than three consecutive weeks immediately preceding the giving of notice within the local limits of the area for which the Marriage Registrar, Magistrate or Political Agent to whom the notice is given, is appointed.

(*2*) Every notice given under this section shall state—

(*a*) the name, surname, age and profession or condition of each of the parties intending marriage;

(*b*) the residence of each of them;

(*c*) the time during which each of them has dwelt there; and

(*d*) the place in which the intended marriage is to be solemnized;

and it shall contain a declaration by the party giving the notice to the effect that he believes that there is no impediment of kindred or affinity or other lawful hindrance to the solemnization of the said intended marriage.

(*3*) A copy of every notice given under this section shall be published by being affixed in some conspicuous place in the office of the officer to whom the notice is given.

(*4*) On the expiration of four clear days after such notice as aforesaid has been published in the manner prescribed by sub-section (*3*), the officer to whom the notice is given, unless he is aware of any impediment of kindred or affinity or other lawful hindrance to the solemnization of the said intended marriage, shall, on payment of such fee (if any) as the Governor General in Council may fix in this behalf, furnish the party by whom the notice was given, with a certificate, under his hand and seal, to the effect that the notice has been so given and published.

Government of India Central Printing Office—No. 476 L.D.—7-11-1903.—5,500.—W. S. Razario.

THE INDIAN EXTRADITION ACT, 1903
(XV OF 1903).

DIVISIONAL FOREST OFFICE
INWD. REGR. No. 998
DATE 8.3.04
DHARWAR

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[*Price Five Annas and Six Pies.*]

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23. Detention of persons arrested under section 54, clause *seventhly*, Act V, 1898.
24. Repeals.

THE FIRST SCHEDULE.—EXTRADITION OFFENCES.

THE SECOND SCHEDULE.—ENACTMENTS REPEALED.

ACT No. XV of 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 4th November, 1903.)

An Act to consolidate and amend the law relating to the Extradition and Rendition of Criminals.

WHEREAS it is expedient to provide for the more convenient administration in British India of the Extradition Acts, 1870 and 1873, and of the Fugitive Offenders Act, 1881;

33 & 34 Vict., c. 52; 36 & 37 Vict., c. 60; 44 & 45 Vict., c. 69.

and whereas it is also expedient to amend the law relating to the extradition of criminals in cases to which the Extradition Acts, 1870 and 1873, do not apply;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Indian Extradition Act, 1903.

(*2*) It extends to the whole of British India (including British Baluchistan, the Santhal Parganas and the Pargana of Spiti); and

(*3*) It shall come into force on such day as the Governor General in Council, by notification in the Gazette of India, may direct.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "European British subject" means a European British subject as defined by the Code of Criminal Procedure for the time being in force:

(*b*) "extradition

(*b*) "extradition offence" means any such offence as is described in the first schedule :

(*c*) "Foreign State" means a State to which, for the time being, the Extradition Acts, 1870 and 1873, apply : 33 & 34 Vict., c. 52; 36 & 37 Vict., c. 60.

(*d*) "High Court" means the High Court as defined by the Code of Criminal Procedure for the time being in force :

(*e*) "offence" includes any act wheresoever committed which would, if committed in British India, constitute an offence : and

(*f*) "rules" include prescribed forms.

CHAPTER II.

SURRENDER OF FUGITIVE CRIMINALS IN CASE OF FOREIGN STATES.

Requisition for surrender.

3. (*1*) Where a requisition is made to the Government of India or to any Local Government by the Government of any Foreign State for the surrender of a fugitive criminal of that State, who is in or who is suspected of being in British India, the Government of India or the Local Government, as the case may be, may, if it thinks fit, issue an order to any Magistrate who would have had jurisdiction to inquire into the crime if it had been an offence committed within the local limits of his jurisdiction, directing him to inquire into the case.

Summons or warrant for arrest.

(*2*) The Magistrate so directed shall issue a summons or warrant for the arrest of the fugitive criminal according as the case appears to be one in which a summons or warrant would ordinarily issue.

Inquiry by Magistrate.

(*3*) When such criminal appears or is brought before the Magistrate, the Magistrate shall inquire into the case in the same manner and have the same jurisdiction and powers, as nearly as may be, as if the case were one triable by the Court of Session or High Court,

Court, and shall take such evidence as may be produced in support of the requisition and on behalf of the fugitive criminal, including any evidence to show that the crime of which such criminal is accused or alleged to have been convicted is an offence of a political character or is not an extradition crime.

(4) If the Magistrate is of opinion that a *primâ facie* case is made out in support of the requisition, he may commit the fugitive criminal to prison to await the orders of the Government of India or the Local Government, as the case may be. Committal.

(5) If the Magistrate is of opinion that a *primâ facie* case is not made out in support of the requisition, or if the case is one which is bailable under the provisions of the Code of Criminal Procedure for the time being in force, the Magistrate may release the fugitive criminal on bail. Bail.

(6) The Magistrate shall report the result of his inquiry to the Government of India, or the Local Government, as the case may be, and shall forward, together with such report, any written statement which the fugitive criminal may desire to submit for the consideration of the Government. Magistrate's report

(7) If the Government of India or the Local Government, as the case may be, is of opinion that such report or written statement raises an important question of law, it may make an order referring such question of law to such High Court as may be named in the order, and the fugitive criminal shall not be surrendered until such question has been decided. Reference to High Court if Government thinks necessary.

(8) If, upon receipt of such report and statement or upon the decision of any such question, the Government of India or the Local Government, as the case may be, is of opinion that the fugitive criminal ought to be surrendered, it may issue a warrant for the custody and removal of such criminal and for his delivery at a place and to a person to be named in the warrant. Warrant for surrender.

(9) It

Lawfulness of custody and re-taking under warrant for surrender.

(*9*) It shall be lawful for any person to whom a warrant is directed in pursuance of sub-section (*8*), to receive, hold in custody and convey the person mentioned in the warrant, to the place named in the warrant, and, if such person escapes out of any custody to which he may be delivered in pursuance of such warrant, he may be re-taken as a person accused of an offence against the law of British India may be re-taken upon an escape.

Discharge of fugitive criminals committed to prison after two months.

(*10*) If such a warrant as is prescribed by sub-section (*8*) is not issued and executed in the case of any fugitive criminal, who has been committed to prison under sub-section (*4*), within two months after such committal, the High Court may, upon application made to it on behalf of such fugitive criminal, and upon proof that reasonable notice of the intention to make such application has been given to the Government of India or the Local Government, as the case may be, order such criminal to be discharged, unless sufficient cause is shown to the contrary.

Power to Magistrate to issue warrant of arrest in certain cases.

4. (*1*) Where it appears to any Magistrate of the first class or any Magistrate specially empowered by the Local Government in this behalf that a person within the local limits of his jurisdiction is a fugitive criminal of a Foreign State, he may, if he thinks fit, issue a warrant for the arrest of such person, on such information or complaint and on such evidence as would, in his opinion, justify the issue of a warrant if the crime of which he is accused or has been convicted had been committed within the local limits of his jurisdiction.

Issue of warrant to be reported forthwith.

(*2*) The Magistrate shall forthwith report the issue of a warrant under this section to the Local Government.

Person arrested not to be detained unless order received.

(*3*) A person arrested on a warrant issued under this section shall not be detained more than two months unless within that period the Magistrate receives an order made with reference to such person under section 3, sub-section (*1*).

(*4*) In

(*Chapter II.—Surrender of Fugitive Criminals in case of Foreign States.—Sections 5-6. Chapter III.—Surrender of Fugitive Criminals in case of States other than Foreign States.—Section 7.*)

(*4*) In the case of a person arrested or detained under this section the provisions of the Code of Criminal Procedure for the time being in force relating to bail shall apply in the same manner as if such person were accused of committing in British India the crime of which he is accused or has been convicted. Bail.

5. (*1*) If the Government of India or any Local Government is of opinion that the crime of which any fugitive criminal of a Foreign State is accused or alleged to have been convicted is of a political character, it may, if it think fit, refuse to issue any order under section 3, sub-section (*1*). Power of Government to refuse to issue order under section 3 when crime of political character.

(*2*) The Government of India or the Local Government may also at any time stay any proceedings taken under this Chapter and direct any warrant issued under this Chapter to be cancelled and the person for whose arrest such warrant has been issued to be discharged. Power of Government to discharge any person in custody at any time.

6. The expressions "the Police Magistrate" and "the Secretary of State" in section 3 of the Extradition Act, 1870, shall be read as referring respectively to the Magistrate directed to inquire into a case under section 3 of this Act, and to the Government of India or the Local Government, as the case may be. References to "Police Magistrate" and "Secretary of State" in section 3 of Extradition Act, 1870.

33 & 34 Vict., c. 52.

CHAPTER III.

Surrender of Fugitive Criminals in case of States other than Foreign States.

7. (*1*) Where an extradition offence has been committed or is supposed to have been committed by a person not being a European British subject, in the territories of any State not being a Foreign State, and such person escapes into or is in British India, and the Political Issue of warrant by Political Agents in certain cases.

Political Agent in or for such State issues a warrant, addressed to the District Magistrate of any district in which such person is believed to be, for his arrest and delivery at a place and to a person or authority indicated in the warrant, such Magistrate shall act in pursuance of such warrant and may give directions accordingly.

Execution of such warrant.

(*2*) A warrant issued as mentioned in sub-section (*1*) shall be executed in the manner provided by the law for the time being in force with reference to the execution of warrants, and the accused person, when arrested, shall, unless released in accordance with the provisions of this Act, be forwarded to the place and delivered to the person or authority indicated in the warrant.

Proclamation and attachment in case of persons absconding.

(*3*) The provisions of the Code of Criminal Procedure for the time being in force in relation to proclamation and attachment in the case of persons absconding shall, with any necessary modifications, apply where any warrant has been received by a District Magistrate under this section as if the warrant had been issued by himself.

Release on giving security.

8. (*1*) Where a Political Agent has directed by endorsement on any such warrant that the person for whose arrest it is issued may be released on executing a bond with sufficient sureties for his attendance before a person or authority indicated in this behalf in the warrant at a specified time and place, the Magistrate to whom the warrant is addressed shall on such security being given release such person from custody.

Magistrate to retain bond.

(*2*) Where security is taken under this section, the Magistrate shall certify the fact to the Political Agent who issued the warrant, and shall retain the bond.

Re-arrest in case of default.

(*3*) If the person bound by any such bond does not appear at the time and place specified, the Magistrate

Magistrate may, on being satisfied as to his default, issue a warrant directing that he be re-arrested and handed over to any person authorized by the Political Agent to take him into custody.

Deposit in lieu of bond, and forfeiture of bonds.

(*4*) In the case of any bond executed under this section, the Magistrate may exercise the powers conferred by the Code of Criminal Procedure for the time being in force in relation to taking a deposit in lieu of the execution of a bond and with respect to the forfeiture of bonds and the discharge of sureties.

Requisitions by States not being Foreign States.

9. Where a requisition is made to the Government of India or to any Local Government by or on behalf of any State not being a Foreign State, for the surrender of any person accused of having committed an offence in the territories of such State, such requisition shall (except in so far as relates to the taking of evidence to show that the offence is of a political character or is not an extradition crime) be dealt with in accordance with the procedure prescribed by section 3 for requisitions made by the Government of any Foreign State as if it were a requisition made by any such Government under that section:

Provided that, if there is a Political Agent in or for any such State, the requisition shall be made through such Political Agent.

Power to Magistrates to issue warrants of arrest in certain cases.

10. (*1*) If it appears to any Magistrate of the first class or any Magistrate empowered by the Local Government in this behalf that a person within the local limits of his jurisdiction is accused or suspected of having committed an offence in any State not being a Foreign State and that such person may lawfully be surrendered to such State, or that a warrant may be issued for his arrest under section 7, the Magistrate may, if he thinks fit, issue a warrant for the arrest of such person on such information or complaint and on such evidence as would, in his opinion,

opinion, justify the issue of a warrant if the offence had been committed within the local limits of his jurisdiction.

Issue of warrant to be reported forthwith.

(*2*) The Magistrate shall forthwith report the issue of a warrant under this section, if the offence appears or is alleged to have been committed in the territories of a State for which there is a Political Agent, to such Political Agent and in other cases to the Local Government.

Limit of time of detention of person arrested.

(*3*) A person arrested on a warrant issued under this section shall not, without the special sanction of the Local Government, be detained more than two months, unless within such period the Magistrate receives an order made with reference to such person in accordance with the procedure prescribed by section 9, or a warrant for the arrest of such person under section 7.

Bail.

(*4*) In the case of a person arrested or detained under this section, the provisions of the Code of Criminal Procedure for the time being in force relating to bail shall apply in the same manner as if such person were accused of committing in British India the offence with which he is charged.

Surrender of person accused of, or undergoing sentence for, offence in British India.

11. (*1*) A person accused of an offence committed in British India, not being the offence for which his surrender is asked, or undergoing sentence under any conviction in British India, shall not be surrendered in compliance with a warrant issued by a Political Agent under section 7 or a requisition made by or on behalf of any State not being a Foreign State under section 9, except on the condition that such person be re-surrendered to the Government of India or the Local Government, as the case may be, on the termination of his trial for the offence for which his surrender has been asked:

Provided that no such condition shall be deemed to

to prevent or postpone the execution of a sentence of death lawfully passed.

(2) On the surrender of a person undergoing sentence under a conviction in British India, his sentence shall be deemed to be suspended until the date of his re-surrender, when it shall revive and have effect for the portion thereof which was unexpired at the time of his surrender.

Suspension of sentence on surrender.

12. The provisions of this Chapter with reference to accused persons shall, with any necessary modifications, apply to the case of a person who, having been convicted of an offence in the territories of any State not being a Foreign State, has escaped into or is in British India before his sentence has expired.

Application of Chapter to convicted persons.

13. Every person who is accused or convicted of abetting or attempting to commit any offence shall be deemed, for the purposes of this Chapter, to be accused or convicted of having committed such offence, and shall be liable to be arrested and surrendered accordingly.

Abetment and attempt.

14. It shall be lawful for any person to whom a warrant is directed in pursuance of the provisions of this Chapter, to receive, hold in custody and convey the person mentioned in the warrant, to the place named in the warrant, and, if such person escapes out of any custody to which he may be delivered in pursuance of such warrant, he may be re-taken as a person accused of an offence against the law of British India may be re-taken upon an escape.

Lawfulness of custody and re-taking under warrant issued under Chapter.

15. The Government of India or the Local Government may, by order, stay any proceedings taken under this Chapter, and may direct any warrant issued under this Chapter to be cancelled, and the person for whose arrest such warrant has been issued to be discharged.

Power of Government to stay proceedings and discharge persons in custody.

16. The provisions of this Chapter shall apply to an offence or to an extradition offence, as the case may be, committed before the passing of this Act, and

Application of Chapter to offences committed

to

before its commencement.

to an offence in respect of which a Court of British India has concurrent jurisdiction.

Receipt in evidence of exhibits, depositions and other documents.

17. (*1*) In any proceedings under this Chapter, exhibits and depositions (whether received or taken in the presence of the person against whom they are used or not) and copies thereof, and official certificates of facts and judicial documents stating facts, may, if duly authenticated, be received as evidence.

Authentication of the same.

(*2*) Warrants, depositions or statements on oath which purport to have been issued, received or taken by any Court of Justice outside British India, or copies thereof, and certificates of, or judicial documents stating the fact of, conviction before any such Court, shall be deemed duly authenticated,—

(*a*) if the warrant purports to be signed by a Judge, Magistrate or officer of the State where the same was issued or acting in or for such State:

(*b*) if the depositions or statements or copies thereof purport to be certified, under the hand of a Judge, Magistrate or officer of the State where the same were taken, or acting in or for such State, to be the original depositions or statements or to be true copies thereof, as the case may require:

(*c*) if the certificate of, or judicial document stating the fact of, a conviction purports to be certified by a Judge, Magistrate or officer of the State where the conviction took place or acting in or for such State:

(*d*) if the warrants, depositions, statements, copies, certificates and judicial documents, as the case may be, are authenticated by the oath of some witness or by the official seal of a minister of the State where the same were respectively issued, taken or given.

(*3*) For

(Chapter III.—Surrender of Fugitive Criminals in case of States other than Foreign States.—Section 18. Chapter IV.—Rendition of Fugitive Offenders in His Majesty's Dominions.—Section 19.)

(3) For the purposes of this section, "warrant" includes any judicial document authorizing the arrest of any person accused or convicted of an offence. Definition of "warrant".

18. Nothing in this Chapter shall derogate from the provisions of any treaty for the extradition of offenders, and the procedure provided by any such treaty shall be followed in any case to which it applies, and the provisions of this Act shall be modified accordingly. Chapter not to derogate from treaties.

CHAPTER IV.

Rendition of Fugitive Offenders in His Majesty's Dominions.

19. For the purpose of applying and carrying into effect in British India the provisions of the Fugitive Offenders Act, 1881, the following provisions are hereby made:— Application of Fugitive Offenders Act, 1881.

44 & 45 Vict., c. 69.

(a) the powers conferred on "Governors" of British possessions may be exercised by any Local Government:

(b) the powers conferred on a "Superior Court" may be exercised by any Judge of a High Court:

(c) the powers conferred on a "Magistrate" may be exercised by any Magistrate of the first class or by any Magistrate empowered by the Local Government in that behalf: and

(d) the offences committed in British India to which the Act applies, are piracy, treason and any offence punishable under the Indian Penal Code with rigorous imprisonment for a term of twelve months or more or with any greater punishment.

XLV of 1860.

CHAPTER V.

(*Chapter V.—Offences committed at Sea.—Section 20. Chapter VI.—Execution of Commissions issued by Criminal Courts outside British India.—Section 21. Chapter VII.—Supplemental.—Section 22.*)

CHAPTER V.

OFFENCES COMMITTED AT SEA.

Requisition for surrender in case of offence committed at sea.

20. Where the Government of any State outside India makes a requisition for the surrender of a person accused of an offence committed on board any vessel on the high seas which comes into any port of British India, the Local Government and any Magistrate having jurisdiction in such port and authorized by the Local Government in this behalf may exercise the powers conferred by this Act.

CHAPTER VI.

EXECUTION OF COMMISSIONS ISSUED BY CRIMINAL COURTS OUTSIDE BRITISH INDIA.

Execution of commissions issued by Criminal Courts outside British India.

21. The testimony of any witness may be obtained in relation to any criminal matter pending in any Court or tribunal in any country or place outside British India in like manner as it may be obtained in any civil matter under the provisions of the Code of Civil Procedure for the time being in force with respect to commissions, and the provisions of that Code relating thereto shall be construed as if the term "suit" included a criminal proceeding:

Provided that this section shall not apply when the evidence is required for a Court or tribunal in any State outside India other than a British Court and the offence is of a political character.

CHAPTER VII.

SUPPLEMENTAL.

Power to make rules.

22. (*1*) The Governor General in Council may make rules to carry out the purposes of this Act.

(*2*) In particular and without prejudice to the generality

generality of the foregoing power, such rules may provide for—

(*a*) the removal of prisoners accused or in custody under this Act, and their control and maintenance until such time as they are handed over to the persons named in the warrant as entitled to receive them;

(*b*) the seizure and disposition of any property which is the subject of, or required for proof of, any alleged offence to which this Act applies;

(*c*) the pursuit and arrest in British India, by officers of the Government or other persons authorized in this behalf, of persons accused of offences committed elsewhere; and

(*d*) the procedure and practice to be observed in extradition proceedings.

(*3*) Rules made under this section shall be published in the Gazette of India and shall thereupon have effect as if enacted by this Act.

Detention of persons arrested under section 54, clause *seventhly*, Act V, 1898.

V of 1898.

23. Notwithstanding anything in the Code of Criminal Procedure, 1898, any person arrested without an order from a Magistrate and without a warrant, in pursuance of the provisions of section 54, clause *seventhly*, of the said Code, may, under the orders of a Magistrate within the local limits of whose jurisdiction such arrest was made, be detained in the same manner and subject to the same restrictions as a person arrested on a warrant issued by such Magistrate under section 10.

Repeals.

24. The Acts mentioned in the second schedule are repealed to the extent specified in the fourth column thereof.

THE FIRST SCHEDULE.

EXTRADITION OFFENCES.

[*See section 2, clause (b), and Chapter III (Surrender of Fugitive Criminals in case of States other than Foreign States).*]

[The sections referred to are the sections of the Indian Penal Code.]

Frauds upon creditors (section 206).

Resistance

(The Second Schedule.—Enactments repealed.)

Resistance to arrest (section 224).

Offences relating to coin and stamps (sections 230 to 263A).

Culpable homicide (sections 299 to 304).

Attempt to murder (section 307).

Thagi (sections 310, 311).

Causing miscarriage, and abandonment of child (sections 312 to 317).

Causing hurt (sections 323 to 333).

Wrongful confinement (sections 347, 348).

Kidnapping and slavery (sections 360 to 373).

Rape and unnatural offences (sections 375 to 377).

Theft, extortion, robbery, etc. (sections 378 to 414).

Cheating (sections 415 to 420).

Fraudulent deeds, etc. (sections 421 to 424).

Mischief (sections 425 to 440).

Lurking house-trespass (sections 443, 446).

Forgery, using forged documents, etc. (sections 463 to 477A).

Desertion from any body of Imperial Service Troops.

Piracy by law of nations.

Sinking or destroying a vessel at sea or attempting or conspiring to do so.

Assault on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.

Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master.

Any offence against any section of the Indian Penal Code or against any other law which may, from time to time, be specified by the Governor General in Council by notification in the Gazette of India either generally for all States or specially for any one or more States. XLV of 1860.

THE SECOND SCHEDULE.

ENACTMENTS REPEALED.

(See section 24.)

Year.	No.	Short title.	Extent of repeal.
1879	XXI	The Foreign Jurisdiction and Extradition Act, 1879.	So much as is unrepealed.
1895	IX	The Extradition (India) Act, 1895.	The whole Act.
1896	V	The Foreign Jurisdiction and Extradition Act (1879) Amendment Act, 1896.	The whole Act.

Government of India Central Printing Office.—No. 529 L. D.—28-11-1903.—6,000.—W. S. D'S.

TABLE

SHOWING

EFFECT OF LEGISLATION

IN THE

GOVERNOR GENERAL'S COUNCIL

DURING 1903.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Acts of the Governor General in Council.		
1	The Bengal Districts Act, 1836 (XXI of 1836).	*The words* and to alter the limits of existing zilas.		Act I of 1903, 3rd Sch., Pt. II.
		The whole Act so far as it applies to the United Provinces of Agra and Oudh.	*The words* the Governor General in Council by an Order in Council *shall be read as if the words* the Local Government, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, *were substituted therefor.*	2nd and 3rd Schs., Pt. II.
	Act VI of 1837.	So much as is unrepealed.	.....	3rd Sch., Pt. II.
	The Bengal Alluvion and Diluvion Act, 1847 (IX of 1847).	In section 4, *the word* Government.	.....	Ditto.
		In sections 5 and 6, *the word* Sadr, *where it occurs before the word* Board.		
		In section 9, *the words* Except as regards the proprietary right to islands.		

[*Price fourteen annas.*]

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Acts of the Governor General in Council—contd.		
4	The Sale of Patni Tenures Act, 1850 (XXXIII of 1850).	So much as is unrepealed.	.....	Act I of 1903, 3rd Sch., Pt. II.
5	The Recusant Witnesses Act, 1853 (XIX of 1853).	So much as is unrepealed, except so far as it is in force in Assam.	.....	Ditto.
6	Act XX of 1854.	The whole	.....	Ditto.
7	Act XXVI of 1854.	The whole	.....	Ditto.
8	The Bengal Embankment Act, 1855 (XXXII of 1855).	In section 21, *the words from* words importing the singular *to* females.	.....	3rd Sch., Pt. II.
9	The Karatoya Tolls Act, 1856 (XXII of 1856).	In section 4, *the words* or other officer exercising the powers of a Magistrate.	.....	Ditto.
10	The Howrah Offences Act, 1857 (XXI of 1857).	In section 54, *the words from* The provisions *to* Provided that.		Ditto.
		Section 55. In section 57, *the words* suburbs or, *in both places in which they occur.* In section 59, *the words from* words importing the singular *to* females.		

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Acts of the Governor General in Council—contd.		
11	The Bengal Alluvial Land-settlement Act, 1858 (XXXI of 1858).	Section 3 .	.....	Act I of 1903, 3rd Sch., Pt. II.
12	The Bengal Rent Act, 1859 (X of 1859).	In sections 8 and 15 *the words* and Benares.	.....	Ditto.
		In section 23, *the words and figures* section X, Regulation XLI, 1795, section VI, Regulation XXXI, 1803, section XXI, Regulation VIII, 1805, *and the words from* If such period *to the end.*		
		Section 29, the second paragraph.		
		In section 32, *the words from* For arrears *to* first expire.		
		In section 33, *the words from* or, in the case *to* first expire, *and the words* (except the case of claims now existing as aforesaid).		
			In sections 136 and 151, *for* Boards *substitute* Board.	2nd 3rd Schs., Pt. II.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
			***Acts of the Governor General in Council*—contd.**	
12	The Bengal Rent Act, 1859 (X of 1859)—*contd.*	In section 163, *the words* Except as provided in the last preceding section. In section 168, *the words from* Unless *to* females.	.....	Act I of 1903, 3rd Sch., Pt. II.
13	The Bengal Land-revenue Sales Act, 1859 (XI of 1859).	In section 18, proviso, *the words* and it is hereby enacted.	.....	Ditto.
		In section 22, *the words* notes or Schedule B.	In section 22, *after* post bills *insert* currency notes.	2nd and 3rd Schs., Pt. II.
			In section 32, *for* section 25 *substitute* section 2 of the Bengal Land-revenue Sales Act, 1868.	,,
			In section 33, *for* section 25 of this Act *substitute* section 2 of the Bengal Land-revenue Sales Act, 1868.	,,
14	The Calcutta Pilots Act, 1859 (XII of 1859).	.....	In sections 2 and 18, *for the words* Superintendent of Marine, *wherever they occur, substitute* Port Officer.	2nd Sch., Pt. II.
15	The Police Act, 1861 (V of 1861).	.....	In section 34, *after* imprisonment *insert* with or without hard labour.	Ditto.
16	The Public Gambling Act, 1867 (III of 1867).	.....	In the title, *for* the Central Provinces and British Burma *substitute* and the Central Provinces. In the preamble, *for* of the Chief Commissioner of the Central Provinces and of the Chief Commissioner of British Burma, *substitute* and of the Chief Commissioner of the Central Provinces. In section 1, *for the definitions of* Lieutenant-Governor *and* Chief Commissioner *substitute the following, namely*:— "Lieutenant-Governor" means the Lieutenant-Governor of the United Provinces of Agra and Oudh or of the Punjab, as the case may be:	Ditto.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Acts of the Governor General in Council—contd.		
16	The Public Gambling Act, 1867 (III of 1867)—*contd.*	.....	"Chief Commissioner" means the Chief Commissioner of the Central Provinces or of the North-West Frontier Province, as the case may be.	Act I of 1903, 2nd Sch., Pt. II.
17	The Chief Commissioners Powers Act, 1867 (XXXII of 1867).	In the preamble, *the words* and British Burma. In section 1, *the words* or British Burma.	.....	3rd Sch., Pt., II.
18	The Bhutan Duars Act, 1869 (XVI of 1869).	So much as is unrepealed.	.....	3rd Sch., Pt. II.
19	The Indian Penal Code Amendment Act 1870 (XXVII of 1870).	Section 5 . .	.....	Ditto.
20	The Bengal Sessions Courts Act, 1871 (XIX of 1871).	So much as is unrepealed.	.....	Ditto.
21	The Indian Christian Marriage Act, 1872 (XV of 1872).	.....	In section 82, *for* certificates of marriages, *and also for* marriage certificates, *substitute* certificates for marriage. In Schedule II, *after* declaration *insert* or oath.	2nd Sch., Pt. II.
22	The Lunatic Soldiers Property Act, 1873 (XIV of 1873).	So much as is unrepealed.	.....	3rd Sch., Pt. II.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Acts of the Governor General in Council—contd.		
23	The Laws Local Extent Act, 1874 (XV of 1874).	So much of sections 6 and 7 and the fourth and fifth schedules as relates to Act XIX of 1853 (*Recusant witnesses*). So much of section 7 and the fifth schedule as relates to Act XXI of 1856 (*creating zilas*).	.....	Act I of 1903, 3rd Sch., Pt. II.
24	The Oudh Laws Act, 1876 (XVIII of 1876).	So much of section 3 and the second schedule as relates to Act XIX of 1853 (*Recusant witnesses*).	.....	Ditto.
25	The Military Lunatics Act, 1877 (XI of 1877).	In section 3, *the words* and has been ordered to be forwarded to any one of the Presidency-towns.	.....	Ditto.
26	The Punjab Laws (Amendment) Act, 1878 (XII of 1878).	Section 8 . .	In section 2; *for* 18 *substitute* 16 . .	2nd and 3rd Schs., Pt. II.
27	The Hackney Carriage Act, 1879 (XIV of 1879).	.....	In section 3, *for* The Lieutenant-Governors of the North-Western Provinces and the Punjab and the Chief Commissioners of Oudh, the Central Provinces, British Burma, *substitute* The Lieutenant-Governors of the United Provinces of Agra and Oudh, the Punjab and Burma, and the Chief Commissioner of the Central Provinces.	2nd Sch., Pt. II.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Acts of the Governor General in Council—contd.		
28	The Legal Practitioners Act, 1879 (XVIII of 1879).	.....	In section 42 (added by the Legal Practitioners Act, 1884, section 9), *before the words and figures* Act I of 1846 *insert* So much of Chapter VI of Bombay Regulation II of 1827 as has not been repealed.	Act I of 1903, 2nd Sch., Pt. II.
29	The Portuguese Treaty Act, 1880 (IV of 1880).	The whole.	.....	3rd Sch., Pt. II.
30	The Coroners Act, 1881 (X of 1881).	In section 1, *the words* and shall come into force on the passing thereof.	.....	Ditto.
31	The Fort William Act, 1881 (XIII of 1881).	.....	In section 1, *for* Army Discipline and Regulation Act, 1879, *substitute* Army Act. In section 5, *for* Presidency Magistrates Act, 1877, *substitute* Code of Criminal Procedure, 1898; *and for* the High Courts Criminal Procedure Act, 1875, section 147, *substitute* section 526 of that Code. In section 7, *for* Magistrates appointed under the Presidency Magistrates Act, 1877, *substitute* Presidency Magistrates.	2nd Sch., Pt. II.
32	The Portuguese Convention Act, 1881 (XVII of 1881).	The whole.	.....	3rd Sch., Pt. II.
33	The Burma Steam-boilers and Prime-movers Act, 1882 (XVIII of 1882).	In section 18, *the word* thrice *and the word* last.	.....	Ditto.
34	The Excise and Sea Customs Law Amendment Act, 1885 (IX of 1885).	So much of section 4 as is unrepealed.	.....	Ditto.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Acts of the Governor General in Council—contd.		
35	Act XV of 1886.	The whole	.....	Act I of 1903, 3rd Sch., Pt. II.
36	The Indian Museum Act, 1887 (IV of 1887).	Section 4	.....	Ditto.
37	The Presidency Small Cause Courts Law Amendment Act, 1888 (X of 1888).	In the title and preamble, *the words and figures* and the Presidency Small Cause Courts Act, 1882. Section 2 and the second Schedule.	.....	Ditto.
38	The Coroners (Madras) Act, 1889.	.....	In the preamble and in section 4, sub-section (2), as amended by the Repealing and Amending Act, 1891, *for* the Code of Criminal Procedure, 1882, *substitute* the Code of Criminal Procedure, 1898.	2nd Sch., Pt. II.
39	The Cantonments Act, 1889 (XIII of 1889).	.....	In section 6, sub-section (1), *for* in the case of a cantonment for which such a committee has not been constituted, *substitute* where a cantonment committee has not been constituted, or has in pursuance of an order of the Local Government ceased to exist, or for any reason cannot be convened, then, subject to any rules made under section 26, clause (5).	Ditto.
40	The Indian Census Act, 1890 (XVII of 1890).	The whole	.....	3rd Sch., Pt. II.
41	The Repealing and Amending Act, 1891 (XII of 1891).	In the title, *the words* to repeal certain obsolete enactments and *and the word* other.	.....	Ditto.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Acts of the Governor General in Council—contd.		
41	The Repealing and Amending Act, 1891 (XII of 1891)—*contd.*	In the preamble, *the words from* Whereas it is expedient *to* repealed; And, *and the word* also. In section 1, *the words* Repealing and. Section 2, sub-section (*1*). So much of section 2, sub-section (*2*), and the second schedule, Part I, as relates to the following enactments, namely:— Act V of 1869 (Indian Articles of War), Part I, clause (*c*); Act XVII of 1876 (Oudh Land-revenue Act, 1876); and Act XII of 1881. Section 3 and the first schedule.	.....	Act I of 1903, 3rd Sch., Pt. II.
42	The Court of Wards Act (Bengal) Amendment Act, 1892 (IV of 1892).	In section 1, *the word* and, *and* sub-section (*2*).	.....	Ditto.
43	The Porahat Estate Act, 1893 (II of 1893).	In section 1, *the word* and, *and* sub-section (*2*).	.....	Ditto.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Acts of the Governor General in Council—contd.		
44	The Tributary Mahals of Orissa Act, 1893 (XI of 1893).	In the preamble, *the words* to repeal certain enactments relating to the Tributary Mahals of Orissa and. In section 1, *the word* and, *and* sub-section (*3*). Section 2 and the schedule.	.....	Act I of 1903, 3rd Sch., Pt. II.
45	The Repealing and Amending Act, 1894 (IV of 1894).	In the title, *the words* to repeal certain obsolete enactments and, *and the word* other. In the preamble, *the words from* Whereas it is expedient *to* repealed; And, *and the word* also. In section 1, *the words* Repealing and. Section 2, sub-section (*1*), section 3 and the first schedule.	.....	Ditto
46	The Repealing and Amending (Army) Act, 1894 (XIII of 1894).	In section 1, *the words* Repealing and. Section 2, sub-section (*1*), and the first schedule.	.....	Ditto.
47	Act XVI of 1894. [*Tariff Amending Act VIII of 1894.*]	The whole.	.....	Ditto.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Acts of the Governor General in Council—contd.		
48	The Presidency Small Cause Courts Act, 1895 (I of 1895).	Section 4	.....	Act I of 1903, 3rd Sch., Pt. II.
49	The Repealing and Amending Act, 1895 (XVI of 1895).	In the title, *the words* to repeal certain obsolete enactments and, *and the word* other. In the preamble, *the words from* Whereas it is expedient *to* repealed; And, *and the word* also. In section 1, *the words* Repealing and. Section 2, sub-section (*1*), section 3 and the first schedule. So much of the second schedule as relates to Bombay Act IV of 1882.	.....	Ditto.
50	The Presidency Small Cause Courts Act (1882) Amendment Act, 1896 (VII of 1896).	The whole	.....	Ditto.
51	Act XIV of 1896 repealing part of the Government Tenants (Punjab) Act, 1893.)	The whole	.....	Ditto.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Acts of the Governor General in Council—contd.		
52	The Criminal Tribes Act Amendment Act, 1897 (II of 1897).	In section 1, *the word* and, *and* sub-section (2).	.....	Act I of 1903, 3rd Sch., Pt. II.
53	The Repealing and Amending Act, 1897 (V of 1897).	In the title, *the words* to repeal certain obsolete enactments and, *and the word* other. In the preamble, *the words from* Whereas it is expedient *to* specifically repealed; And, *and the word* also *where it first occurs.* In section 1, *the words* Repealing and. Section 2, sub-section (1), section 3 and the first schedule.	.....	Ditto.
54	The General Clauses Act, 1897 (X of 1897).	Section 2 and the schedule.	..... In section 3, clauses (5), (6), (30) and (35), *after* under *insert* the Indian Councils Act, 1861, or. In section 3, *after clause 8, insert the following:—* (8a) "Burma Act" shall mean an Act made by the Lieutenant-Governor of Burma in Council under the Indian Councils Acts, 1861 and 1892 :.	Ditto, 2nd and 3rd Schs., Pt. II.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
			Acts of the Governor General in Council—contd.	
54	The General Clauses Act, 1897 (X of 1897) —*contd.*	.....	In section 3, *after clause* (*44*), *insert the following* :— (*44a*) "Punjab Act" shall mean an Act made by the Lieutenant-Governor of the Punjab in Council under the Indian Councils Acts, 1861 and 1892. In section 3, *after clause* (*55*), *insert the following* :— (*55a*) "United Provinces Act" shall mean an Act made by the Lieutenant-Governor of the North-Western Provinces and Oudh (or of the United Provinces of Agra and Oudh) in Council under the Indian Councils Act, 1861, or the Indian Councils Acts, 1861 and 1892 : In section 20, *before the word* order, *in each of the places in which it occurs, insert* notification. In section 21, *for* make *substitute* issue notifications, *between the words* any *and* orders *insert* notifications, *and for* made *substitute* issued. In section 24, *before the word* order, *in each of the places in which it occurs, insert* appointment, notification ; *and before the word* issued, *in each of the places in which it occurs, insert* made or.	Act I of 1903, 2nd Sch., Pt. II.
55	The Bhopal Coinage Act, 1897 (XI of 1897).	The whole .	.....	3rd Sch., Pt. II.
56	The Lepers Act, 1898 (III of 1898).	Section 19 .	.....	Ditto.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
			Acts of the Governor General in Council—contd.	
57	The Code of Criminal Procedure, 1898 (Act V of 1898).	.....	In section 260, sub-section (*1*), clause (*i*), *after* 451 *insert* 453, 454. In section 555 *for* 553 *substitute* 554. In the second schedule, column 5, against section 195 *for* Bailable *substitute* Not bailable. In the second schedule, column 8, against section 506 *for* Ditto *substitute* Presidency Magistrate or Magistrate of the first or second class. In the heading to the fifth schedule, *for* 554 *substitute* 555. In the fifth schedule, Form IV, *for* within days from this date *substitute* on the day of . In the fifth schedule, Forms XIII and XIV, *for the passage from* comply *where it occurs for the second time to* released, *substitute* be lawfully ordered to be released.	Act I of 1903, 2nd Sch., Pt. II.
58	The Burma Laws Act, 1898 (XIII of 1898).	In the preamble, *the word* repeal. Section 18 and the fifth schedule.	.....	3rd Sch., Pt. II.
59	The Prisoners Act, 1900 (III of 1900).	.....	For section 29 *substitute the following*:— 29. (*1*) The Governor General in Council may, by general or special order, provide for the removal of any prisoner confined in a prison— Removal of prisoners. (*a*) under sentence of death, or (*b*) under, or in lieu of, a sentence of imprisonment or transportation, or (*c*) in default of payment of a fine, or (*d*) in default of giving security for keeping the peace or for maintaining good behaviour, to any other prison in British India.	2nd Sch., Pt. II.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Acts of the Governor General in Council—contd.		
59	The Prisoners Act, 1900 (III of 1900) —*contd.*	.....	(2) The Local Government and (subject to its orders and under its control) the Inspector-General of Prisons may, in like manner, provide for the removal of any prisoner confined as aforesaid in a prison in the Province to any other prison in the Province.	Act I of 1903, 2nd Sch., Pt. II.
		Section 31		
60	Act I of 1901—Native Military Lunatics (repeal of enactments).	The whole	.....	3rd Sch., Pt. II.
61	The Repealing and Amending Act, 1901 (XI of 1901).	In the preamble, *the words from* And whereas it is also expedient that certain enactments *to* repealed. In section 1, *the words* Repealing and. Section 3, sub-section (2), section 4 and the third schedule.	.....	Ditto.
62	The Indian Post Office (Amendment) Act, 1898 (VI of 1898).	.....	At the end of clause (*b*) of section 2 *the following shall be added, namely* :— "Provided that the expression 'inland' shall not apply to any class of postal articles which may be specified in this behalf by the Governor General in Council by notification in the Gazette of India, when posted in or at or addressed to any places or post offices which may be described in such notification."	Act II of 1903, s. 2.
63	The Electricity Act, 1887 (XIII of 1887).	The whole	.....	Act III of 1903, s. 42.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
			Acts of the Governor General in Council—contd.	
64	The Provident Funds Act, 1897 (IX of 1897).	.....	*For* section 4 of the Provident Funds Act, 1897, *the following section shall be substituted, namely :—* "4. (1) Compulsory deposits in any Government or Railway Provident Fund shall not be liable to any attachment under any decree or order of a Court of Justice in respect of any debt or liability incurred by a subscriber to, or depositor in, any such Fund, and neither the Official Assignee nor a Receiver appointed under Chapter XX of the Code of Civil Procedure shall be entitled to, or have any claim on, any such compulsory deposit. (2) Any sum standing to the credit of any subscriber to, or depositor in, any such Fund at the time of his decease and payable under the rules of the Fund or under this Act to the widow or the children, or partly to the widow and partly to the children, of the subscriber or depositor, or to such person as may be authorized by law to receive payment on her or their behalf, shall vest in the widow or the children, or partly in the widow and partly in the children, as the case may be, free from any debt or other liability incurred by the deceased, or incurred by the widow or by the children, or by any one or more of them, before the death of such subscriber or depositor. (3) Nothing in sub-section (2) shall apply in the case of any such subscriber or depositor as aforesaid dying before the thirteenth day of March, 1903."	Act IV of 1903, s. 2.
65	The Indian Ports Act 1889 (X of 1889).	The *proviso* to section 47.	*For* section 48, *the following section shall be substituted, namely :—* "48. No port-due shall be chargeable in respect of— (a) any pleasure-yacht, or (b) any vessel which, having left any port, is compelled to re-enter it by stress of weather or in consequence of having sustained any damage, or	Act V of 1903, s. 2.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	Acts of the Governor General in Council—contd.			
65	The Indian Ports Act, 1889 (X of 1889)—*contd.*	.....	(c) any vessel which, having entered any port within the territories administered by the Governor of Fort Saint George in Council, leaves it within forty-eight hours without discharging or taking in any passengers or cargo."	Act V of 1903—*contd.*
			For the first entry in the fourth column of Part I of the First Schedule to the said *Act, the following entry shall be substituted, namely :—*	S. 3.
			"Whenever the vessel enters the port, except in the case of mail-steamers and coasting-vessels, which shall not be chargeable more than once in sixty days."	
			To *explanation* I of Part II of the said Schedule to the said Act, *the following proviso shall be added, namely :—*	S. 4
			"Provided that, for the purpose of the levy of port-dues, a vessel shall not be deemed, during one and the same voyage, to be both a coasting ship or steamer and a foreign ship or steamer, but port-dues shall, in respect of such voyage, be leviable on such vessel either as a coasting or as a foreign ship or steamer, whichever rate is the higher."	
66	The Indian Paper Currency Act, 1882 (XX of 1882).	.....	For sections 16 and 17 of the Indian Paper Currency Act, 1882, the following shall be substituted, namely :—	Act VI of 1903, s. 2.
			"16. A currency note for five rupees, issued from any town not situate in Burma, shall be a legal tender at any place in British India except Burma,	Ditto.
			a currency note for five rupees, issued from any town in Burma, shall be a legal tender at any place in Burma, and	
			a currency note for any amount exceeding five rupees shall be a legal tender at any place within the Circle from which the note was issued,	

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
			Acts of the Governor General in Council—contd.	
66	The Indian Paper Currency Act, 1882 (XX of 1882)—*contd.*	.....	for the amount expressed in the note, in payment or on account of— (*a*) any revenue or other claim, to the amount of five rupees and upwards, due to the Government of India, and (*b*) any sum of five rupees and upwards, due by the Government of India or by any body corporate or person in British India: Provided that no currency note shall be deemed to be a legal tender by the Government of India at any office of issue. "17. (*1*) A currency note for five rupees, issued from any town not situate in Burma, shall be payable at any office of issue not situate in Burma. (*2*) A currency note for five rupees, issued from any town in Burma, shall be payable only at an office of issue in such town. (*3*) A currency note for any amount exceeding five rupees shall be payable only— (*a*) at an office of issue of the town from which it was issued, and (*b*) in the case of notes issued from any town not situate in Burma, also at the Presidency-town of the Presidency within which that town is situate."	Act VI of 1903, s. 2, —*contd.*
67	The Indian Succession Act, 1865 (X of 1865).	.....	In section 187, *for the words* "within the Province" the words "in British India," and *for the words* "under the one hundred and eightieth section" the words "with the will, or with a copy of an authenticated copy of the will, annexed," *shall respectively be substituted.*	Act VIII of 1903, s 2.
			To section 242 *the following proviso shall be added, namely* :— "Provided that probates and letters of administration granted— (*a*) by a High Court, or	Ditto.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
			Acts of the Governor General in Council—contd.	
67	The Indian Succession Act, 1865 (X of 1865) —*contd.*	.....	(*b*) by a District Judge, where the deceased at the time of his death had his fixed place of abode situate within the jurisdiction of such Judge, and such Judge certifies that the value of the property and estate affected beyond the limits of the Province does not exceed ten thousand rupees, shall, unless otherwise directed by the grant, have like effect throughout the whole of British India." *After the said proviso, the following section shall be inserted, namely :—* "242A. (*1*) Where probate or letters of administration has or have been granted by a High Court or District Judge with the effect referred to in the proviso to section 242, the High Court or District Judge shall send a certificate thereof to the following Courts, namely :— (*a*) when the grant has been made by a High Court, to each of the other High Courts, (*b*) when the grant has been made by a District Judge, to the High Court to which such District Judge is subordinate and to each of the other High Courts. (*2*) Every certificate referred to in sub-section (*1*) shall be to the following effect, namely :— 'I, *A. B.*, Registrar [*or as the case may be*] of the High Court of Judicature at [*or as the case may be*], hereby certify that on the day of , the High Court of Judicature at [*or as the case may be*] granted probate of the will [*or* letters of administration of the estate] of *C. D.* late of , deceased, to *E. F.* of and *G. H.* of , and that such probate [*or* letters] has [*or* have] effect over all the property of the deceased throughout the whole of British India;'	Act VIII of 1903, s. 2 —*contd.*

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
			Acts of the Governor General in Council—contd.	
67	The Indian Succession Act, 1865 (X of 1865) —*contd.*	.....	and such certificate shall be filed by the High Court receiving the same. (3) Where any portion of the assets has been stated by the petitioner, as hereinafter provided in sections 244 and 246, to be situate within the jurisdiction of a District Judge in another Province, the Court required to send the certificate referred to in sub-section (1) shall send a copy thereof to such District Judge, and such copy shall be filed by the District Judge receiving the same." *To sections 244 and 246, respectively, the following paragraph shall be added, namely:—* "Where the application is to the District Judge, and any portion of the assets likely to come to the petitioner's hands is situate in another Province, the petition shall further state the amount of such assets in each Province and the District Judges within whose jurisdiction such assets are situate." *After section 246 the following section shall be inserted, namely:—* "246A. (1) Every person applying to any of the Courts mentioned in the proviso to section 242 for probate of a will or letters of administration of an estate intended to have effect throughout British India, shall state in his petition, in addition to the matters respectively required by section 244 and section 246 of this Act, that to the best of his belief no application has been made to any other Court for a probate of the same will or for letters of administration of the same estate, intended to have such effect as last aforesaid, or, where any such application has been made, the Court to which it was made, the person or persons by whom it was made and the proceedings (if any) had thereon. (2) The Court to which any such application is made under the proviso to section 242, may, if it thinks fit, reject the same."	Act VIII of 1903, s. 2 —*contd.*

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Acts of the Governor General in Council—contd.		
67	The Indian Succession Act, 1865 (X of 1865) —*contd.*	.....	*To section 250 the following paragraph shall be added, namely :—* "Where any portion of the assets has been stated by the petitioner to be situate within the jurisdiction of a District Judge in another Province, the District Judge issuing the same shall cause a copy of the citation to be sent to such other District Judge, who shall publish the same in the same manner as if it were a citation issued by himself, and shall certify such publication to the District Judge who issued the citation." (7) After section 277 the following section shall be inserted, namely :— "277A. In all cases where a grant has been made of probate or letters of administration intended to have effect throughout the whole of British India, the executor or administrator shall include in the inventory of the effects of the deceased all his moveable or immoveable property situate in British India, and the value of such property situate in each Province shall be separately stated in such inventory, and the probate or letters of administration shall be chargeable with a fee corresponding to the entire amount or value of the property affected thereby wheresoever situate within British India."	Act VIII of 1903, s. 2—*contd.*
68	The Probate and Administration Act, 1875 (XIII of 1875].	Sections 2, 3, 4 and 5.	.....	S. 4.
69	The Probate and Administration Act, 1877 (II of 1877).	The whole.	.....	

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Acts of the Governor General in Council—contd.		
70	The Probate and Administration Act, 1881 (V of 1881).	.....	In section 59, *for the proviso the following proviso shall be substituted, namely :—* "Provided that probates and letters of administration granted— (*a*) by a High Court, or (*b*) by a District Judge, where the deceased at the time of his death had his fixed place of abode situate within the jurisdiction of such Judge, and such Judge certifies that the value of the property affected beyond the limits of the Province does not exceed ten thousand rupees, shall, unless otherwise directed by the grant, have like effect throughout the whole of British India." *For section 60 the following section shall be substituted, namely :—* "60. (*1*) Where probate or letters of administration has or have been granted by a Court with the effect referred to in the proviso to section 59, the High Court or District Judge shall send a certificate thereof to the following Courts, namely :— (*a*) when the grant has been made by a High Court, to each of the other High Courts, (*b*) when the grant has been made by a District Judge, to the High Court to which such District Judge is subordinate and to each of the other High Courts. (*2*) Every certificate referred to in sub-section (*1*) shall be to the following effect, namely :— 'I, *A. B.*, Registrar [*or as the case may be*] of the High Court of Judicature at [*or as the case may be*], hereby certify that on the day of the High Court of Judicature at [*or*	Act VIII of 1903, s. 3—*contd.*

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	Acts of the Governor General in Council—contd.			
70	The Probate and Administration Act, 1881 (V of 1881)—*contd.*		*as the case may be*] granted probate of the will [*or* letters of administration of the estate] of *C. D.*, late of , deceased, to *E. F.* of and *G. H.* of , and that such probate [*or* letters] has [*or* have] effect over all the property of the deceased throughout the whole of 'British India ;' and such certificate shall be filed by the High Court receiving the same. (*3*) Where any portion of the assets has been stated by the petitioner, as hereinafter provided in sections 62 and 64, to be situate within the jurisdiction of a District Judge in another Province, the Court required to send the certificate referred to in sub-section (*1*) shall send a copy thereof to such District Judge, and such copy shall be filed by the District Judge receiving the same." *To sections 62 and 64, respectively, the following paragraph shall be added, namely :—* "When the application is to the District Judge and any portion of the assets likely to come to the petitioner's hands is situate in another Province, the petition shall further state the amount of such assets in each Province and the District Judges within whose jurisdiction such assets are situate." *To section 69 the following paragraph shall be added, namely :—* "Where any portion of the assets has been stated by the petitioner to be situate within the jurisdiction of a District Judge in another Province, the District Judge issuing the same shall cause a copy of the citation to be sent to such other District Judge, who shall publish the same in the same manner as if it were a citation issued by himself and shall certify such publication to the District Judge who issued the citation."	Act VIII of 1903, s. 3.—*contd.*

Table showing effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
			Acts of the Governor General in Council—contd.	
71	The Indian Tariff Act, 1894 (VIII of 1894).	.....	In section 5, *for the words* "shall be levied at the rates respectively prescribed in the second, third and fourth schedules on goods passing by land out of, and in the fifth schedule on goods passing by land into" *the words* "at such rates as may be prescribed by or under this Act or by or under any law for the time being in force relating to customs-duties on imports and exports respectively, into and from ports, shall be levied on goods passing by land out of or into" *shall be substituted.*	Act IX of 1903, s. 8.
72	The Indian Income-tax Act, 1886 (II of 1886)		In section 5, sub-section (*1*), clause (*j*), *for the words* "five hundred" *the words* "one thousand" *shall be substituted.*	Act XI of 1903, s. 2 (*1*).
			In section 41 of the Act, *for the words* "forty-one rupees ten annas and eight pies" and "five hundred", *the words* "eighty-three rupees five annas and four pies" and "one thousand", *respectively, shall be substituted.*	S. 2 (*2*).
			In the second column of Part III of the second schedule to the Act, *for the figures* "500" the *figures* "1,000" *shall be substituted.*	S. 2 (*3*).
			For sub-head (*a*) in the second column of Part IV of the Schedule *the following sub-head shall be substituted, namely* :— "(*a*) If the annual income is assessed at—	S. 2 (*4*).

Not less than Rs.	But less than Rs.	The tax shall be Rs.
1,000	1,250	20
1,250	1,500	28
1,500	1,750	35
1,750	2,000	42"

73	[1]The Indian Tariff Act, 1894 (VIII of 1894).		In section 8A, sub-section (*1*), of the Indian Tariff Act, 1894, as amended by section 2 of the Indian Tariff Amendment Act, 1899, *before the words* "the exportation therefrom" *the words* "the production therein or" *shall be inserted.*	Act XII of 1903, s. 2.

[1] The amendments made by s. 3 of Act XII of 1903 are not set out as they only remain in force until March 31st, 1904.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Acts of the Governor General in Council—concld.		
74	The Lepers Act, 1898 (III of 1898).	... .	After section 18 *the following section shall be added :—* "19. The Governor General in Council may, by notification in the Gazette of India, direct that any leper or class of lepers, with respect to whom an order for segregation and medical treatment has been made by a Magistrate having jurisdiction within the territories of any Native Prince or State in India, may be sent to any leper-asylum specified in such order; and thereupon the provisions of this Act and of any rules made thereunder shall, with such modifications not affecting the substance as may be reasonable and necessary to adapt them to the subject-matter, apply to any leper sent to a leper-asylum in pursuance of such notification as though he had been sent by the order of a Magistrate having jurisdiction under this Act."	Act XIII of 1903, s. 2.
75	The Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879).	So much as is unrepealed.		Act XV of 1903, s. 24 and the 2nd Sch.
76	The Extradition (India) Act, 1895 (IX of 1895).	The whole Act .	.....	Ditto.
77	The Foreign Jurisdiction and Extradition Act (1879) Amendment Act, 1896.	The whole Act .	.....	Ditto.

Table showing Effect of Legislation during 1903—contd.

	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Acts of the Governor of Fort St. George in Council.		
78	Act II of 1880 (Repealing Madras Act III of 1863).	The whole	.....	Act I of 1903, 3rd Sch., Pt. IV.
79	Act II of 1881 (Repealing Madras Act II of 1868).	The whole	.....	Ditto.
80	Act II of 1882 (Repealing Madras Reg. XIV of 1816).	The whole	.....	Ditto.
		Acts of the Governor of Bombay in Council.		
81	Act I of 1872 (Police, Bombay Town).	So much as is unrepealed.	.....	Act I of 1903, 3rd Sch., Pt. V.
82	Act I of 1879 (District Municipalities).	So much as is unrepealed.	.....	Act I of 1903, 3rd Sch., Pt. V.
83	Act II of 1879 (Police, Bombay Town).	The whole	.....	Ditto.
84	Act IV of 1882 (Police, Bombay Town).	The whole	.....	Ditto.
85	Act IV of 1885 (Local Boards and District Municipalities).	In the title, *the words and figures* and the Bombay District Municipal Act Amendment Act, 1884.	.....	Ditto.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Acts of the Governor of Bombay in Council—concld.		
85	—*contd.*	Section 5 and the preamble prefixed thereto.		Act I of 1903, 3rd Sch., Pt. V.
86	Act I of 1888 (Local Boards and District Municipalities).	In the title and preamble, *the words and figures* and the Bombay District Municipal Act Amendment Act, 1884. In section 1, *the words and figures* and to section 18 of the Bombay District Municipal Act Amendment Act, 1884.	.....	Ditto.
87	Act III of 1892 (The Bombay Abkari Act Amendment Act, 1892).	Section 5.	.....	Ditto.
		Acts of the Lieutenant-Governor of Bengal in Council.		
88	The Bengal Land-revenue Sales (Amendment) Act, 1862 (III of 1862).	In the preamble, *the word* under *where it first occurs, and the words* and forms *where they first occur.* In section 2, the first two paragraphs.	.....	3rd. Sch., Pt III.
89	The Bengal Rent Act, 1862 (VI of 1862).	Section 1 In sections 2, 3, 12, 14 and 16, *the words* hereafter to be brought.	.....	Ditto.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Acts of the Lieutenant-Governor of Bengal in Council—contd.		
89	The Bengal Rent Act, 1862 (VI of 1862)—*contd.*	In section 8, *the words* instituted after the passing of this Act.		Act I of 1903, 3rd Sch., Pt. III.
		In section 14, *the words and figures* So much of section LXXI of Act X of 1859 as directs that no fee for any agent shall be charged as part of the costs of suit in any case under the Act is hereby repealed.	In section 14, *for* the said Act *substitute* Act X of 1859, *and for* section VII of Act I of 1846 *substitute* section 27 of the Legal Practitioners Act, 1879.	Act I of 1903, 2nd & 3rd Schs., Pt. III.
		In section 17, *the words* hereafter to be instituted.		
		In section 18, *the words* after the date of the passing of this Act.		
		In section 21, *the words* except as regards suit instituted thereunder before the passing of this Act.	.....	Ditto, 3rd Sch., Pt. III.
		In Schedules A and B, the word Company's *wherever it occurs.*		

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Acts of the Lieutenant-Governor of Bengal in Council—contd.		
90	The Calcutta and Howrah Smoke Nuisances Act, 1863 (II of 1863).	In section 1, *the words and figures* on and after the first day of July, 1864, *and the words and figures* on or after the said first day of July, 1864, and. Section 6. In section 7, *the words and figures from* All penalties imposed *to* time being.	.....	Act I of 1903, 3rd Sch., Pt. III.
91	The Canals Act, 1864 (V of 1864).	In the preamble, *the word* the, *where it occurs before the word* canals, *and the words* specified in the Regulations and Acts in the schedule to this Act annexed. In section 1, *the words from* Words importing the singular *to* feminine. In section 2, the last thirty-four words. In section 3, *the words and figures* Act VI of 1857 (*for the acquisition of land for public purposes*) or of, *the word* other, *and the words* that may now or hereafter be. Section 17 and the schedule.	....	Act I of 1903, 3rd Sch., Pt. III. Ditto.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Acts of the Lieutenant-Governor of Bengal in Council—contd.		
92	The Salt Act, 1864 (VII of 1864).	In section 3, *the words* the word "Magistrate" shall mean any person exercising the full powers of a Magistrate under the Code of Criminal Procedure, *and the words from* words importing the singular *to* feminine. Sections 35 and 36. In section 40, *the words and figure* section 35 of.	..... — — — — — — — —	Act I of 1903, 3rd Sch., Pt. III.
93	Act III of 1865 (Fire in ports).	So far as it is unrepealed.	.....	Ditto.
94	The Bengal Prevention of Inoculation Act, 1865 (IV of 1865).	In section 4, as in force in Bengal, *the words* and to the recovery of fines.	.....	Ditto.
		In section 4, *the words and figures from* beyond the town of Calcutta *to* said town.	.....	Ditto.
95	The Bengal Municipal (Slaughter-houses and Meat-markets) Act, 1865 (VII of 1865).	In the title and preamble, *the words* in the Suburbs of Calcutta.	In section 1, *for* the jurisdiction of the Municipal Commissioners of the Suburbs of the Town of Calcutta appointed under the provisions of Act III of 1864 passed by the Lieutenant-Governor of Bengal in Council (*the District Municipal Improvement Act*), *substitute* any limits to which this section has heretofore been, or may hereafter be, extended by notification under section 9.	Ditto, 2nd and 3rd Schs., Pt. III.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	Acts of the Lieutenant-Governor of Bengal in Council—contd.			
95	—*contd.*	In section 8, *the words and figures* and the magisterial powers conferred upon the Municipal Commissioners by section VI of the above Act shall be exercised by them for all the purposes of this Act.	.....	Act I of 1903, 3rd Sch., Pt. III.
96	The Bengal Rent Recovery (Under-tenures) Act, 1865 (VIII of 1865).	In section 1, the second sentence.	.....	Ditto.
97	The Calcutta Suburban Police Act, 1866 (II of 1866).	Section 31. In section 51, *the words from* words importing the singular *to* females. Section 52.	.....	Ditto.
98	The Bengal Legislative Council (Witnesses) Act, 1866 (III of 1866).	In section 6, *the words from* words importing the singular *to* feminine.	.....	Ditto.
99	The Calcutta Police Act, 1866 (IV 1866).	In section 3, *the words from* words importing the singular *to* females.	In section 25, *for* such officer *substitute* officer of the Polic Force. In section 33, *for* the Articles of War for Her Majesty's Army or Her Majesty's Navy or for the native officers or soldiers in Her Majesty's Indian Army, *substitute* the Naval Discipline Act, the Army Act or the Indian Articles of War.	Ditto, 2nd and 3rd Schs., Pt. III.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Acts of the Lieutenant-Governor of Bengal in Council—contd.		
99	The Calcutta Police Act, 1866 (IV 1866)—*contd.*	In section 77, *the words and figures* or with any of the offences numbered 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 20, 21, 22, 23, 24 and 25 in section 26 of this Act. Form B in the Schedule.	In section 95, *for the words* this Act, *in the second place in which they occur, substitute* sections 64 and 67 to 70 of the Indian Penal Code and sections 386, 387 and 389 of the Code of Criminal Procedure, 1898.	Act I of 1893, 2nd and 3rd Schs., Pt. III.
100	The Bengal Embankment Act, 1866 (VII of 1866).	In section 10, *the words from* words in the singular *to* females.		Act I of 1903, 3rd Sch., Pt. III.
101	The Bengal Public Gambling Act, 1867 (II of 1867).	In section 1, *the words from* words importing the masculine *to the end.*		Ditto.
		In section 14, *the words and figures from* The provisions *to* shall apply to, *the words* and penalities, *the words* in any town or place other than the town of Calcutta; and such fines, *and the words and figures from* And the provisions *to the end.* In section 16, *the words* from and after the passing of this Act, *in both places in which they occur.* Section 17.		Ditto.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Acts of the Lieutenant-Governor of Bengal in Council—contd.		
102	The Bengal Ports Act, 1867 (III of 1867).	In section 1, *the words* words importing the singular number include the plural, and words importing the plural number include the singular. In section 15, *the words* and hospital port-dues, *and the word* respectively. In section 17, *the words from* and the provisions *where they first occur, to the end.* In the third schedule, *the figure* 11, *and the words from* Hospital port-dues *to the end.*	.....	Act I of 1903, 3rd Sch., Pt. III.
103	The Bengal Rent (Appeals) Act, 1867 (IV of 1867).	The title and preamble, sections 2, 3 and 4. In section 5, *the words* From and after the passing of this Act.	In section 5, *for* the said recited Acts, *substitute* the Bengal Rent Act, 1859, or the Bengal Rent Act, 1862.	Ditto, 2nd and 3rd Schs., Pt. III.
104	Act X of 1867.	The whole.	.....	Ditto, 3rd Sch., Pt. III.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Acts of the Lieutenant-Governor of Bengal in Council—contd.		
105	The Bengal Land-revenue Sales Act, 1868 (VII of 1868).	In sections 3 and 4, *the words* From the date when this Act comes into operation. In section 3, *the words from* and the words *to the end.* Section 9 and Schedules A, B, C and D.	.....	Act I of 1903, 3rd Sch., Pt. III.
106	The Bengal Cruelty to Animals Act, 1869 (I of 1869)	.....	In section 9, *for* the said Act II of 1866 *substitute* Bengal Act II of 1866.	Act I of 1903, 2nd Sch., Pt. III.
107	Act V of 1869.	The whole.	.....	Ditto, 3rd Sch., Pt. III.
108	The Bengal Police Act, 1869 (VII of 1869).	Section 1	.....	Ditto.
109	The Puri Lodging House Act, 1871 (IV of 1871).	In section 3, *the words* From and after the passing of this Act. In section 7, *the words* After the passing of this Act. Section 39.	.....	Ditto.
110	Act VII of 1871 (Calcutta Port Improvement—Amending Bengal Act V of 1870).	The whole.	.....	Ditto.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Acts of the Lieutenant-Governor of Bengal in Council—contd.		
111	Act XI of 1871 (Census).	The whole.	.....	Act I of 1903, 3rd Sch., Pt. III.
112	Act I of 1874 (Calcutta Suburban Police).	So much as is unrepealed.	.....	Ditto.
113	Act IV of 1875 (Realization of Famine Loans).	The whole.	.....	Ditto.
114	The Bengal Survey Act, 1875 (V of 1875).	In section 1, *the words from* and shall *to* General.	.....	Ditto.
115	The Bengal Irrigation Act, 1876 (III of 1876).	Section 2 and Schedule A.	In section 95, *for* as a demand under section 1 of the aforesaid Bengal Act VII of 1868, *substitute* under the procedure provided by the Public Demands Recovery Act, 1895, for the recovery of public demands.	Ditto, 2nd and 3rd Schs., Pt. III.
116	The Agrarian Disputes Act, 1876 (VI of 1876).	The whole	.....	Ditto, 3rd Sch., Pt. III.
117	The Land Registration Act, 1876 (VII of 1876).	In section 1, *the words from* and it shall, *to the end.* Section 2 and the Schedule.	.....	Ditto.
118	The Bengal Land Registration (Amendment) Act, 1878 (V of 1878).	Section 2	.....	Ditto.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	Acts of the Lieutenant-Governor of Bengal in Council—contd.			
119	The Bengal Excise Act, 1878 (VII of 1878).	The concluding paragraph of section 3.		Act I of 1903, 3rd Sch., Pt. III.
		In section 51, *the words* except in the town of Calcutta, *and the words and figures* and, in the said town, the provisions of sections 164, 165 and 166 of the Presidency Magistrates' Act.		
120	The Chota Nagpur Landlord and Tenant Procedure Act, 1879 (I of 1879)	In section 1, *the words* and the Tributary Mahals, *and the words from* And it shall *to the end.*		Ditto.
		Sections 3 and 4.		
		In section 150, *the words and figures* or of Bengal Act VI of 1876.		Ditto.
		Schedule A.		
121	The Puri Lodging-house (Extension) Act, 1879 (II of 1879).	In the preamble, *the words and figures* to places other than those specified in section 39 of the said Act.		Ditto.
		Section 1.		

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Acts of the Lieutenant-Governor of Bengal in Council—contd.		
122	The Bengal Steam-boilers and Prime-movers Act, 1879 (III of 1879).	In the title and preamble, *the words* in the town and suburbs of Calcutta and in Howrah. In section 1, *the words from* and it shall *to* General. In section 12, *the words from* No charge shall *to* Calcutta Gazette and.	.....	Act I of 1903, 3rd Sch., Pt. III.
123	The Darjiling Steam Tramway Act, 1879 (VI of 1879).	In section 1, *the words from* And it shall *to the end.*	.....	Ditto.
124	The Bengal Rent Settlement Act, 1879 (VIII of 1879).	In section 1, *the words from* and it shall *to the end.* Section 2.	.....	Ditto.
		In section 4, *the words and figures* or in sections 14, 15 and 18 of Bengal Act VIII of 1869.	.....	Ditto.
125	The Court of Wards Act, 1879 (IX of 1879).	In section 2, *the words and figures from* and all suits *to the end.*	.....	Ditto.
126	The Calcutta Tramways Act, 1880 (I of 1880).	In section 1, *the words from* and it shall *to the end.*	.....	Ditto.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Acts of the Lieutenant-Governor of Bengal in Council—contd.		
127	The Bengal Drainage Act, 1880 (VI of 1880).	In section 1, *the words from* and it shall *to the end.* Sections 60 to 63.	.....	Act I of 1903, 3rd Sch., Pt. III.
128	The Bengal Contagious Diseases (Animals) Act, 1880 (VIII of 1880).	In section 1, *the words from* and it shall *to the end.*	.....	Ditto.
129	The Cess Act, 1880 (IX of 1880).	In section 1, *the words from* and it shall *to the end.*	In section 29, Example B, *for* rate *substitute* rates.	Ditto, 2nd and 3rd Schs., Pt. III.
130	The Calcutta Burial Boards Act, 1881 (V of 1881).	In section 1, *the words from* and it shall *to the end.*	.....	Ditto, 3rd Sch., Pt. III.
131	The Bengal Embankment Act, 1882 (II of 1882).	In section 1, *the words from* And it shall *to the end.*	.....	Ditto.
		In section 2, *the words* From such day. In section 46, *the words* after the commencement of this Act.	.....	Ditto.
132	The Bengal Excise (Amendment) Act, 1883 (I of 1883).	Section 13.	.....	Ditto.
133	The Bengal Tramways Act, 1883 (III of 1883).	In section 1, *the words from* It shall *to the end.*	.....	Ditto.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
			Acts of the Lieutenant-Governor of Bengal in Council—contd.	
134	The Puri Lodging-house (Extension) Act, 1884 (I of 1884).	Section 1 . .	.....	Act I of 1903, 3rd Sch., Pt III.
135	The Calcutta Tramways (Amendment) Act, 1884 (III of 1884).	In section 1, *the words from* And it shall *to the end.* Section 2.	In the preamble, *for the words and figures* situate within the local limits of the town as defined in the Calcutta Municipal Consolidation Act, 1876, *substitute* subject to the authority of the Corporation of Calcutta In section 3, *for the words and figures* in Calcutta but situate beyond the local limits of the town as defined in the Calcutta Municipal Consolidation Act, 1876, *substitute* in those portions of Calcutta, as defined in the Calcutta Municipal Act, 1899, which are not subject to the authority of the Corporation of Calcutta, *and for the words and figures* within the local limits of the town as defined by the Calcutta Municipal Consolidation Act, 1876, *substitute* within the area subject to their authority. In section 4, *for the words and figures* outside the limits of the town as defined by the Calcutta Municipal Consolidation Act, 1876, *substitute* outside the area subject to their authority.	Ditto 2nd and 3rd Schs., Pt. III.
136	The Bengal Municipal Act, 1884 (III of 1884).	In section 1, *the words from* But any notification *to the end.* In section 2, *the words* On the commencement of this Act, *and the words* And all proceedings now pending, which may have been commenced under any such enactment, shall be deemed to be commenced under this Act.	.....	Ditto 3rd Sch., Pt. III.

Table showing Effect of Legislation during 1905—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	Acts of the Lieutenant-Governor of Bengal in Council—contd.			
137	Act V of 1884 (Calcutta Municipality).	The whole.	.....	Act I of 1903, 3rd Sch., Pt. III.
138	The Bengal Local Self-Government Act, 1885 (III of 1885).	.....	In section 45, *for* such district *substitute* any district in which this Act is in force. In the reference to section 9 of Bengal Act IX of 1880 in the second Schedule *for* 111 *substitute* 109.	Ditto, 2nd Sch., Pt. III.
139	The Bengal Village Chaukidari (Amendment) Act, 1886 (I of 1886).	In section 1, *the words from* from the date *to the end.*	.....	Ditto, 3rd Sch., Pt. III.
140	The Calcutta and Suburban Police (Amendment) Act, 1886 (II of 1886).	Section 1		Ditto.
141	The Bengal Municipal (Amendment) Act, 1886 (III of 1886).	Section 1		Ditto.
142	The Calcutta Survey Act, 1887 (I of 1887).	In section 1, *the words from* and shall *to* General.		Ditto.
143	The Chittagong Port Commissioners Act, 1887 (IV of 1887).	.....	In section 39, clause (*b*), *for* 32 *substitute* 34.	Ditto, 2nd Sch., Pt. III.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	Acts of the Lieutenant-Governor of Bengal in Council—contd.			
144	The Chota Nagpur Rural Police Act, 1887 (V of 1887).	In section 1, *the words from* and shall *to* General. In section 38, *the words and figures from* Act VIII *to* repealed and.	.....	Act I of 1903, 3rd Sch., Pt. III.
145	Act I of 1888 (Municipalities).	The whole . .	.....	Ditto.
146	The Howrah Bridge Act Amendment Act, 1888 (III of 1888).	In section 2, *the words from* and it shall *to the end.*	.....	Ditto.
147	Act III of 1889 (Loan by Calcutta Port Commissioners to Calcutta Corporation).	The whole . .	.....	Ditto.
148	The Calcutta Burial Boards Act, 1889 (IV of 1889).	Section 1 . .	.....	Ditto.
149	The Calcutta and Suburban Police (Superannuation Fund) Act, 1890 (I of 1890).	Sections 1 and 3	.....	Ditto.
150	The Bengal Vaccination (Amendment) Act, 1890 (II of 1890).	Section 1, section 4, sub-section (3).	In sections 2 and 3, *after* Suburbs *insert* of Calcutta.	Act I of 1903, 2nd and 3rd Schs., Pt. III.

Table showing Effect of Legislation during 1 03—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Acts of the Lieutenant-Governor of Bengal in Council—contd.		
151	The Calcutta Port Act, 1890 (III of 1890).	.....	In section 30, *for* the three next succeeding sections *and* in section 34 *for* any of the three last preceding sections, *substitute* section 31, section 32 or section 33. In section 94, *for* vessels *substitute* vessel.	Act I of 1903, 2nd Sch., Pt. III.
152	The Calcutta Hackney Carriage Act, 1891 (II of 1891).	Section 1, sub-section (*2*).	.....	Ditto, 3rd Sch., Pt. III.
153	The Bengal Village Chaukidari (Amendment) Act, 1892 (I of 1892).	Section 2, sub-section (*1*), and sections 6 and 12.	.....	Ditto.
154	The Licensed Warehouse and Fire-brigade Act 1893 (I of 1893).	Section 1, sub-section (*3*). In section 4, *the words* From and after the commencement of this Act.	.....	Ditto.
		In section 27, *the words and figures* or at the credit of any fund appropriated to the maintenance of the fire-brigade under the provisions of Act IV of 1883 at the time when this Act comes into force.	.....	Ditto.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	Acts of the Lieutenant-Governor of Bengal in Council—contd.			
155	The Licensed Warehouse and Fire-brigade Amendment Act, 1894 (I of 1894).	In section 1, *the words from* and shall *to the end.* Sections 4 and 5.	.....	Act I of 1903, 3rd Sch., Pt. III.
156	The Calcutta Port (Amendment) Act, 1894 (II of 1894).	Section 1.	.....	Ditto.
157	The Calcutta Tramways Act, 1894 (III of 1894).	In section 1, *the words from* and it shall *to the end.*	.....	Ditto.
158	The Bengal Municipal (Amendment) Act, 1894 (IV of 1894)	In section 1, *the words from* and it shall *to the end.* Sections 5, 9, 46, 51, 77, 83 and 89.	In section 34, *for* Municipality *substitute* Municipalities.	Ditto, 2nd and 3rd Schs., Pt. III.
159	Act VI of 1894 (Municipalities).	The whole.	.....	Ditto.
160	The Public Demands Recovery Act, 1895 (I of 1895).	Section 1, sub-section (3).	.....	Ditto.
161	The Calcutta and Suburban Police (Amendment) Act, 1895 (II of 1895).	Section 1	.....	Ditto, 3rd Sch., P. III.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Act of the Lieutenant-Governor of Bengal in Council—contd.		
162	The Calcutta Port (Amendment No. I) Act, 1895 (IV of 1895).	Section 1, sub-section (2), and sections 4, 6, 14 and 16.	.....	Act I of 1903 3rd Sch. Pt. III.
163	The Calcutta Port (Amendment No. II) Act, 1895 (VI of 1895).	In section 2 *the words and figures* as amended by section 4 of Act IV (B. C.) of 1895.	.....	Ditto.
		In section 5, *the words and figures* as amended by section 14 of of Act IV of 1895 (B. C.).		Ditto.
		In section 6, *the words and figures* as amended by section 16 of Act IV of 1895 (B. C.).		Ditto
164	The Bhutan Duars Repealing Act, 1895 (VII of 1895).	The whole.	.....	Ditto.
165	The Bengal Sanitary Drainage Act, 1895 (VIII of 1895).	Section 1, sub-section (3).	.....	Ditto
166	The Calcutta Electric Lighting Act, 1895 (IX of 1895).	Section 1, sub-section (2).	.....	Ditto.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	Acts of the Lieutenant-Governor of Bengal in Council—contd.			
167	The Bengal Municipal (Amendment) Act, 1896 (II of 1896).	Section 1, section 9, sub-section (4), and section 19.	.....	Act I of 1903, 3rd Sch., Pt. III.
168	The Public Demands Recovery Act, 1897 (I of 1897).	Sections 1 and 3.	.....	Ditto.
169	The Chota Nagpur Commutation Act, 1897 (IV of 1897).	Section 2.	.....	Ditto.
170	The Calcutta Police Act, 1898 (I of 1898).	In section 1, *the word* and, *and* sub-section (2).	.....	Ditto.
171	The Calcutta Port (Amendment) Act, 1898 (II of 1898).	In section 1, *the word* and, *and* sub-section (2).	.....	Ditto.
172	The Bengal Tenancy (Amendment) Act, 1898 (III of 1898).	In section 1, *the word* and, *and* sub-section (2). Section 11.	.....	Ditto.
173	The Bengal General Clauses Act, 1899 (I of 1899).	Section 2.	In section 3, clause (6), *after* under *insert* the Indian Councils Act, 1861, or. In section 25, *before the word* order, *wherever it occurs, insert the word* appointment, *and before the word* issued, *wherever it occurs, insert the words* made or.	Ditto, 2nd and 3rd Schs., Pt. III.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Acts of the Lieutenant-Governor of Bengal in Council—contd.		
174	The Calcutta Municipal Act, 1899 (III of 1899).	In section 1, *the words and figures* and (*3*) It shall come into force on the first day of April, 1900. The proviso to section 1. In section 2, *the words and figures* On and from the said first day of April, 1900. Section 60, sub-section (*1*).	.....	Act I of 1903, 3rd Sch., Pt. III.
175	The Darjiling Municipal Act, 1900 (I of 1900).	In the preamble, *the words* and to provide for the temporary exercise by the Local Government of certain powers of the Commissioners of the Darjiling Municipality. Section 23. Part II (sections 24 to 28). Schedules E, F and G.		Ditto.
176	The Calcutta Municipal Act, 1900 (II of 1900).	The whole.		Ditto.
177	The Calcutta Electric Lighting Act, 1895 (Bengal Act IX of 1895).	The whole.		Act II of 1903, s. 42.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	Acts of the Lieutenant-Governor of Bengal in Council—concld.			
178	The Howrah Bridge Electric Lighting Act, 1902 (Bengal Act I of 1902).	The whole.	.....	Act II of 1903, s. 42.
	Acts of the Lieutenant-Governor of Burma in Council.			
179	The Burma General Clauses Act, 1898 (V of 1898).	...	In section 20, *before the word* order, *in each of the places in which it occurs, insert* notification. In section 21, *for* make *substitute* issue notifications, *between the words* any *and* orders *insert* notifications, *and for* made *substitute* issued. In section 24, *before the word* order, *in each of the places in which it occurs, insert* appointment, notification; *and before the word* issued, *in each of the places in which it occurs, insert* made or.	Act I of 1903, 2nd Sch., Pt. IV.
	Acts of the Lieutenant-Governor of the United Provinces.			
180	Act I of 1894 (Repealing the Tarai Regulation, 1876).	The whole .	.....	Act I 1903, 3rd Sch., Pt. VI.
	Regulations made under Government of India Act, 1870 (33 & 34 Vict., c. 3).			
181	The Peshawar District Limitation Regulation 1871 (I of 1871).	The whole .	.....	Act I of 1903, 3rd Sch., Pt. VII.
182	The Sonthal Parganas Settlement Regulation, 1872, (III of 1872).	So much of section 3, sub-section (*1*), and the schedule (as amended by section 3 of the Sonthal Parga-	.....	Ditto.

Table showing Effect of Legislation d g 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Regulations made under Government of India Act, 1870 (33 & 34 Vict., c. 3)—contd.		
182	The Sonthal Pargan a s Settlement Reg u la tion, 1872 (III of 1872)—*contd.*	nas Justice and Laws Regulation, 1899) as relates to the following enactments, namely:— Act XXXVIII of 1850 (The Sale of Patni Tenures Act, 1850); Act XV of 1869 (The Prisoners' Testimony Act, 1869); Act I of 1882 (The Assam Labour and Emigration Act, 1882); Act IX of 1882 (The Prisoners Act Amendment Act, 1882); Act V of 1888 (The Inventions and Designs Act, 1888), section 2; Act VII of 1893 (The Inland Emigration Act, 1893); Act VII of 1894 [The Prisoners Act (1871) Amendment Act, 1894];		Act I of 1903, 3rd Sch., Pt. VII.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals	Amendments.	Repealing or Amending Act.
	Regulations made under Government of India Act, 1870 (33 & 34 Vict., c. 3)—contd.			
182	The Sonthal Parganas Settlement Regulation, 1872 (III of 1872)—*concld.*	Bengal Act I of 1889 (The Inland Emigrants' Health Act, 1889); Bengal Act VI of 1894 (Municipalities); Bengal Act V of 1895 (The Lepers Act, 1895); and Regulation III of 1886 (The Sonthal Parganas Laws Regulation, 1886). In section 25 *the words* if any suit affecting such rights be pending at the time when this Regulation shall come into operation, or.	.....	Act I of 1903, 3rd Sch., Pt. VII.
183	The Bengal Eastern Frontier Regulation, 1873 (V of 1873).	In the preamble, *the words* and Chittagong Hills.	.....	Ditto.
184	The Arakan Hill District Laws Regulation, 1874 (IX of 1874).	So much of section 3 and the Schedule as relates to Act XXXIV of 1855 (Enforcement of judgments of Charter Courts) and Act XXXII of 1867 (The Chief Commissioners' Powers Act).	In the first column of the schedule *for* II of 1857 *substitute* XI of 1857.	Act I of 1903, 3rd Sch., Pt. VII, & 2nd Sch., Pt. V.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	Regulations made under Government of India Act, 1870 (33 & 34 Vict., c. 3)—contd.			
185	The Chittagong Hill Tracts Frontier Police Regulation, 1881 (III of 1881).	In section 1, *the words from* and it shall *to the end.*	.....	Act I of 1903, 3rd Sch., Pt. VII.
186	The Sonthal Parganas Rent Regulation, 1886 (II of 1886).	The preamble *to* made and. Section 1, sub-section (*2*), and section 5. In section 22, sub-section (*1*), *the words and figures* under Bengal Act VII of 1880.		Ditto.
187	The Sonthal Parganas Laws Regulation, 1886 (III of 1886).	So much as is unrepealed.		Ditto.
188	The Upper Burma Criminal Justice Regulation, 1886 (VII of 1886).	So much as is unrepealed.		Ditto.
189	The British Baluchistan Laws Regulation, 1890 (I of 1890).	So much of section 3, sub-section (*1*), and the schedule, as relates to Act XIV of 1873 (Lunatic Soldiers).	.....	Ditto.
190	Regulation VI of 1890 (Criminal Justice, Upper Burma).	The whole.	.....	Ditto.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	Regulations made under Government of India Act, 1870 (33 & 34 Vict., c. 3)—contd.			
191	The Sonthal Parganas Justice Regulation, 1893 (V of 1893).	Section 2.	.....	Act I of 1903' 3rd Sch.' Pt. VII.
192	The Ajmer Repealing and Amending Regulation, 1893 (IX of 1893).	In the title, *the words* to repeal certain obsolete enactments and, *and the word* other. In the preamble, *the words from* Whereas it is expedient *to* repealed; And, *and the word* also. In section 1, *the words* Repealing and. Section 2, sub-section (*1*), section 3 and the first schedule.		Ditto.
193	The Angul District Regulation, 1894 (I of 1894).	So much of section 3, sub-section (*1*), and the schedule as relates to the following Acts, namely:— Act XIV of 1866 (Post Office); Act I of 1868 (General Clauses); Act XV of 1869 (Prisoners' Testimony);		Ditto.

Talle showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	Regulations made under Government of India Act, 1870 (33 & 34 Vict., c. 3)—contd.			
193	The Angul District Regulation, 1894 (I of 1894) —*contd.*	Act X of 1870 (Land Acquisition); Act XXVI of 1870 (Prisons); Act I of 1879 (Stamps); Act X of 1882 (Criminal Procedure); Act XVIII of 1883 (Cattle-trespass); Act I of 1887 (General Clauses); Act XII of 1890 (Tariff); Bengal Act II of 1864 (Jails); and Bengal Act V of 1867 (General Clauses). In section 3, sub-section (*2*), *the words* or to have been, *the words* shall have been expressly extended thereto or, *and the word* so. Section 3, sub-section (*2*), proviso.		Act I of 1903, 3rd Sch., Pt. VII.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	Regulations made under Government of India Act, 1870 (33 & 34 Vict., c. 3)—concld.			
193	The Angul District Regulation, 1894 (I of 1894) —*concld.*	In column 1 of Part II of the schedule, in the entry relating to Act X of 1873 (Oaths), *the words and figures* (except the first sentence of section 16).	.....	Act I of 1903, 3rd Sch., Pt. VII.
194	The Sonthal Parganas Justice and Laws Regulation, 1899 (III of 1899).	In section 1, *the word* and, *and* sub-section (2).	.....	Ditto.
195	The Chittagong Hill Tracts Regulation, 1900 (I of 1900).	Section 20.	.....	Ditto.
196	The Sonthal Parganas Rural Police Regulation, 1900 (III of 1900).	In section 1, *the words and figure* and (3) It shall come into force at once.	.....	Ditto.
197	The North-West Frontier Province Law and Justice Regulation, 1901 (VII of 1901).	So much of Part I of the first schedule as relates to section 31 of the Prisoners Act, 1900.	.....	Ditto.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Regulations of the Bengal Code—contd.		
198	The Bengal Land-revenue Regulation, 1793 (II of 1793).	.....	In section 18, *after* Collector *insert* or. In sections 36, 38, 39, 40, 42, 43 and 45, *the words* Governor General in Council, *wherever they occur, shall be read as if the words* Local Government *were substituted therefor.* In section 40, *the word* his *shall be read as if the word* its *were substituted therefor.* In section 45, *the word* him *shall be read as if the word* it *were substituted therefor.*	Act I of 1903, 2nd Sch. Pt. I.
199	The Bengal Decennial Settlement Regulation, 1793 (VIII of 1793).	In section 19, *the words and figures* as the mukarrarida r's mentioned in section XVIII are supposed to have done. Section 33. In section 66, *the words* or the Courts of Circuit.	In section 20, *the words* Governor General in Council *shall be read as if the words* Local Government *were substituted therefor.* In section 21, *the word* Government *shall be read as if the words* the Local Government *were substituted therefor.*	Ditto, 2nd and 3rd Schs., Pt. I.
200	The Bengal Revenue-free Lands (non-Badshahi grants) Regulation, 1793 (XIX of 1793).	Sections 25 and 35.	In sections 2, 3, 8 and 15, *the words* Governor General in Council, *wherever they occur, shall be read as if the words* Local Government *were substituted therefor.* In section 2, clause *Fourth, the word* him *shall be read* as *if the word* it *were substituted therefor.* In section 10, *the words* Governor General in Council *shall be read as if the words* Governor General in Council or the Local Government *were substituted therefor.* In section 15, *the word* him, *where it last occurs, shall be read as if the word* it *were substituted therefor.*	Ditto.
201	The Bengal Revenue-free Lands (Badshahi grants) Regulation, 1793 (XXXVII of 1793).	In section 2, clause *Second, the words and figures* and proceeded in it as required by section XIV, Regulation III, 1793. Sections 20 and 30.—	In sections 2, 3, 5 and 10, *the words* Governor General in Council, *wherever they occur, shall be read as if the words* Local Government *were substituted therefor.* In section 10, *the word* him, *where it last occurs, shall be read as if the word* it *were substituted therefor.*	Ditto.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Regulations of the Bengal Code—contd.		
202	The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1793 (XXXVIII of 1793).	In section 2, *the words* have been made in opposition to the repeated prohibitions of Government, or which.	.....	Act I of 1903, 3rd Sch., Pt. I.
203	The Bengal Native Revenue-officers Regulation, 1794 (III of 1794).	In the title, *the words* money or *and the words* embezzle or. In section 16, *the words* a balance of accounts, or money or, *the words* the payment of the money or, *the words* the amount of the money or, *the words* money or, *the words* discharge the money or, *the words* the sum demanded of him shall be discharged or, *and the words from* The Collector is authorized likewise to attach *to* arrears of revenue. In section 17, *the words* money or. In section 18, *the words* money or, *the words* balance or, *and the words* that no part, or a portion only, of the sum demanded was due from him, or.	.....	Ditto.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Regulations of the Bengal Code—contd.		
203	The Bengal Native Revenue-officers Regulation, 1794 (III of 1794—*concld.*	Section 19. In section 20, *the words and figures* and shall not obtain his release in the mode specified in section 19, *and the word* nevertheless.	.....	Act I of 1903, 3rd Sch., Pt. I.
204	The Bengal Wills and Intestacy Regulation, 1799 (V of 1799).	In section 2, *the words* under any Regulation relative to the jurisdiction of the Court of Wards. In section 3, *the words* when they are to proceed thereupon according to the general Regulations. In section 7, *the words* or, if the deceased were an European, in the Calcutta Gazette.	In section 7, *the words* Governor General in Council *shall be read as if the words* Local Government *were substituted therefor, and the word* his, *where it last occurs, shall be read as if the word* its *were substituted therefor.*	Ditto, 2nd and 3rd Schs., Pt. I.
205	The Bengal Land-revenue Assessment Regulation, 1801 (I of 1801.	In section 8, *the words and figures from* and the patwari accounts furnished in pursuance of clause Fourth of section LXII, Regulation VIII, 1793, *to* procurable by the officers of Government, *the words and figures* in pursuance of clause Fourth of section LXII, Regulation VIII, 1793, or of any other Regulation, *the words*		Ditto, 2nd Sch., Pt. I.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Regulations of the Bengal Code—contd.		
205	The Bengal Land-revenue Assessment Regulation, 1801 (1 of 1801)—*concld.*	under the process prescribed in clause Eighth of the above section and Regulation, *and the words and figures from* Moreover, nothing in this Regulation is meant to supersede the rules contained in section LXII, Regulation VIII, 1793, *to the end of the section.* In section 10, *the words* Governor General in Council or.		Act I of 1903, 3rd Sch., Pt. I.
206	The Cuttack Land-revenue Regulation, 1805 (XII of 1805).	In section 1, *the words from* And whereas the principles *to* confirmed. Sections 2 to 11. In section 31, *the words and figures from* and the rules contained in Regulation XXVII, 1793, *to the end.* In the title, *the words and figures* and for amending certain provisions contained in Regulation IV, 1804.	In sections 18, 20, 26, 28 and 30, *the words* Governor General in Council, *wherever they occur, shall be read as if the words* Local Government *were substituted therefor.* In section 18, clause *Third, the word* himself *shall be read as if the word* itself *were substituted therefor.* In section 18, clause *Fifth, the word* him *shall be read as if the word* it *were substituted therefor.* In section 22, *for* through the Board of Revenue for the information of the Governor General in Council *substitute* to the Board of Revenue.	Ditto, 2nd and 3rd Schs., Pt. I.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Regulations of the Bengal Code—contd.		
207	The Cuttack Police Regulation, 1805 (XIII of 1805).	In section 1, *the words from* And whereas it was the practice *to* general tranquillity of the country. Section 4, clause *Third*. In section 4, clause *Fourth, the words* and third. Sections 5, 6, 7, 10 and 11.	In section 3, *the words* the Governor General in Council, by an order in Council, *shall be read as if the words* the Local Government, by notification in the Calcutta Gazette, *were substituted therefor*. In section 4, clause *Fourth, the words* Governor General in Council *shall be read as if the words* Local Government *were substituted therefor*.	Act I of 1903, 2nd and 3rd Schs., Pt. I.
208	The Bengal Charitable Endowments, Public Buildings and Escheats Regulation, 1810 (XIX of 1810).	In the title, *the words* mosques, Hindu temples *and the words* bridges, sarais, kattras and other. In section 1, *the words* mosques, Hindu temples, *the words* pious and, *and the words* bridges, sarais, kattras and other. In section 2, *the words* mosques, Hindu temples, *the words* pious and, *and the words* and Board of Commissioners in the several districts subject to the control of those Boards respectively. In sections 3, 5, 6 and 8, *the words* and Board of Commissioners.	In section 3, *for* those Boards *substitute* the Board of Revenue. In section 4, *for* Boards *substitute* Board. In section 8, *for* those Boards respectively *substitute* the Board. In section 9, *the words* Governor General in Council *shall be read as if the words* Local Government *were substituted therefor*. In section 12, *for* superior Boards *substitute* Board of Revenue, *and for* Boards *substitute* Board. In section 13, *for* superior Board *substitute* Board of Revenue.	Ditto.

Table showing Effect of Legislation during 1903—contd.

1		3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Regulations of the Bengal Code—contd.		
208	The Bengal Charitable Endowments, Public Buildings and Escheats Regulation, 1810 (XIX of 1810)—*concld.*	In section 7, *the words* and Board of Commissioners, respectively. In section 10, *the words* to whose authority those agents are respectively subject. In section 14, *the words* or Board of Commissioners. In section 15, *the words* in the mode and form prescribed by the Regulations, where Government or public officers are parties, or under the general provisions of the Regulations, if the suit be brought against a competitor or other private person.	.....	Act I of 1903, 3rd Sch., Pt. I.
209	The Bengal Land-revenue Sales Regulation, 1812 (V of 1812).	In section 26, *the words* and city. In section 27, *the words* or city.	In section 25, *the words* Governor General in Council *shall be read as if the words* Local Government *were substituted therefor.*	Ditto, 2nd and 3rd Schs., Pt. I.
210	The Bengal Foreign Immigrants Regulation, 1812 (XI of 1812).	.....	At the end of section 5, *for* the said Regulation, *substitute* this Regulation.	Ditto, 2nd Sch., Pt. I.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Regulations of the Bengal Code—contd.		
211	The Bengal Leases and Land-revenue Regulation, 1812 (XVIII of 1812).	In section 1, *the words* and Benares.	.....	Act I of 1903, 3rd Sch., Pt. I.
212	Regulation XXIX of 1812 (Territories bordering on Bundelkhand).	So much as is unrepealed.	.....	Ditto.
213	The Bengal Ghatwali Lands Regulation, 1814 (XXIX of 1814).	In section 3, *the words* with the sanction of the Governor General in Council.	In sections 5, *the words* Governor General in Council, *wherever they occur, shall be read as if the words* Local Government *were substituted therefor.*	Ditto, 2nd and 3rd Schs., Pt. I.
214	The Bengal Kanungos Regulation, 1816 (V of 1816).	.....	In sections 5 and 11, *the words* Governor General in Council, *wherever they occur, shall be read as if the words* Local Government *were substituted therefor.*	Ditto, 2nd Sch., Pt. I.
215	The Sundarbands Regulation, 1816 (IX of 1816).	.....	In section 2, *the words* Governor General in Council *shall be rea as if the words* Local Government *were substituted therefor.* In the same section, *for* Regulations *substitute* Laws.	Ditto.
216	The Bengal Patwaris Regulation, 1817 (XII of 1817).	In the title, *the words* in the Ceded and Conquered Provinces, the Provinces of Behar and Benares, the district of Cuttack, the Pargana of Patáspur and its dependencies.	In section 18, *the words* Governor General in Council *shall be read as if the words* Local Government *were substituted therefor.*	Ditto, 2nd and 3rd Schs., Pt. I.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Regulations of the Bengal Code—contd.		
216	The Bengal Patwaris Regulation, 1817 (XII of 1817)—*concld.*	In section 1, *the words from* but, as for the full attainment *to* organization of that office, *and the words from* to be in force *to* dependent on it. In section 23, *the words* City or. In section 27 and 29, *the words* In like manner. In section 30, *the words* Provided further that.	.....	Act I of 1903, 3rd Sch., Pt. I.
217	The Bengal State Prisoners Regulation, 1818 (III of 1818).	In section 4, *the words* or City, *wherever the occur.*	.....	Ditto, 2nd Sch., Pt. I.
218	The Bengal Kanungos and Patwaris Regulation, 1819 (I of 1819).	In section 4, clause *Sixth, the words* and Sylhet.	In section 4, *the words* Governor General in Council, *wherever they occur, shall be read as if the words* Local Government *were substituted therefor.* In section 4, clause *Third, the word* he *shall be read as if the word* it *were substituted therefor.*	Ditto, 2nd and 3rd Schs., Pt. I.
219	The Bengal Land-revenue Assessment (Resumed Lands) Regulation, 1819 (II of 1819).	In section 3, clause *First, the words* and fifty bighas if within the Province of Benares.	In section 13, clause *Third,* and in section 14, *the words* Governor General in Council *shall be read as if the words* Local Government *were substituted therefor.* In section 21, clause *Second, for* Boards *substitute* Board.	Ditto.
220	The Bengal Patni Taluqs Regulation, 1819 (VIII of 1819).	In section 17, clause *Eighth the words* as shown by the Government Gazette last received.	In section 9, and in section 14, clause *Second, for* notes of the Bank of Bengal *substitute* currency notes.	Ditto.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected	Repeals.	Amendments.	Repealing or Amending Act.
			***Regulations of the Bengal Code*—contd.**	
221	The Bengal Patni Taluqs Regulation, 1820 (I of 1820).	In section 2, *the words* or City.	In section 2, *for* the general Regulations *substitute* law.	Act I of 1903, 2nd and 3rd Schs., Pt. I.
222	The Bengal Land-revenue (Assistant Collectors) Regulation, 1821 (IV of 1821).	.....	In section 7, *for* by the Regulations *substitute* by law, *and for* the Regulations already in force *substitute* the law for the time being in force. In section 8, *the words* Governor General in Council, *wherever they occur, shall be read as if the words* Local Government *were substituted therefor.* In section 8, clause *Fifth, for* by the Regulations *substitute* by the laws, *and for* to the Regulations *substitute* to law.	Ditto, 2nd, Sch., Pt. I.
223	The Bengal Board of Revenue Regulation, 1822 (III of 1822).	.....	In the title, *for the words from* and altering *to the end, substitute* of the Board of Revenue, and for controlling the distribution of powers between the members of the Board. In section 4, clause *First, for* The said Boards shall each of them *substitute* The Board of Revenue for the Lower Provinces of the Presidency of Fort William in Bengal shall. In section 5, clause *First, for* any of the said Boards *substitute* the said Board. In section 5, second proviso, and clause *Second, for* a Board *substitute* the Board. In section 5, clauses *Third* and *Sixth, for* Boards *substitute* Board.	Act I of 1903, 2nd Sch., Pt. I.
224	The Bengal Land-revenue Settlement Regulation, 1822 (VII of 1822).	In the title, *the words* the Ceded and Conquered Provinces including.	In section 2, clause *Sixth, for the words* as aforesaid, *where they first occur, substitute* acknowledged as the proprietor or possessor of a permanent interest in the mahal for which he has engaged.	Act I of 1903, 2nd and 3rd Schs., Pt. I.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Regulations of the Bengal Code—contd.		
224	The Bengal Land-Revenue Settlement Regulation, 1822 (VII of 1822)—*contd.*	In section 1, *the words* the district of Gorakhpur, the chaklá of Azamgarh, *the words* and whereas it is also advisable to provide for the revision of the settlement of the Conquered Provinces and of the Province of Bundelkhand, pending the continuance of the existing leases, *and the words* from the date of their promulgation throughout the Ceded and Conquered Provinces. Section 5, clause *First*, and section 6, clause *Fourth*. In section 7, clause *First*, *the words* in the Ceded Provinces or. Section 7, clause *Fourth*. In section 7, clause *Sixth*, *the words* the district of Gorakhpur, the chaklá Azamgarh. In section 29,	In section 3, *the words* Governor General in Council, *wherever they occur, shall be read as if the words* Local Government *were substituted therefor, and the words* by an Order in Council *shall be read as if the words* by notification in the local official Gazette *were substituted therefor.* In section 5, section 6, clause *Second*, section 7, clause *First*, section 8, section 9, clause *Third*, section 10, clauses *First* and *Third*, and sections 16, 17 and 32, *the words* Governor General in Council, *wherever they occur, shall be read as if the words* Local Government *were substituted therefor;* and in section 35, *the words* Governor General in Council, *in the second place where they occur, shall be read as if the words* Local Government *were substituted therefor.* In section 9, clause *Third*, *for* Boards *substitute* Board, *and for* such a Board *substitute* that Board. In section 10, clause *Ninth*, section 16, proviso, and section 32, *for the word* Boards, *wherever it occurs, substitute* Board. In section 13, *for* Regulation *substitute* law. In section 20, clause *First*, *the words* the Government by an Order in Council *shall be read as if the words* the Local Government by notification in the local official Gazette *were substituted therefor, the word* he *shall be read as if the word* it *were substituted therefor, and the word* Government *shall be read as if the words* the Local Government *were substituted therefor.* In section 20, clause *Second*, *the words* Governor General in Council *and the words* Governor General *shall be read as if the words* Local Government *were substituted therefor, and the words* by an Order in Council *shall be read as if the words* by	Act I of 1903, 2nd and 3rd Schs., Pt. I.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Regulations of the Bengal Code—contd.		
		clause *First, the words* but no petition of appeal shall be received after the expiration of three months from the date of the decision unless sufficient cause shall be shown for the delay to the satisfaction of the Board, *and the words* Provided also that, *in both places in which they occur.* In section 31, clause *Second, the words* Provided also that. In section 33, clause *First, the word* City. In section 35, *the words* or Board of Commissioners.	notification in the local official Gazette *were substituted therefor.* In section 23, clause *First, for* other Regulation *substitute* other law. In section 24, clause *Second, for* the existing Regulations *substitute* any other law. In section 26, *for* such suits *substitute* suits the cognizance of which is hereby vested in Collectors.	Act I of 1903, 2nd and 3rd Schs., Pt. I.
225	The Bengal Government Indemnity Regulation, 1822 (XI of 1822).	Section 2		Ditto, 3rd Sch., Pt. I.
22	The Bengal Indigo Contracts Regulation, 1823 (VI of 1823).	In section 4, clause *Second, the words* by the existing Regulations.		Ditto.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Regulations of the Bengal Code—contd.		
227	The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1823 (VII of 1823).	In section 6, *the words* In like manner. Section 7.	.....	Act I of 1903, 2nd Sch., Pt. I.
228	The Bengal Troops Transport Regulation, 1825 (VI of 1825).	In section 2 *the word* Sicca. In section 4, *the words* in whose jurisdiction the district may be situate. In section 5, *the word* proper *and the words* by whom the case may be cognisable.	.....	Ditto.
229	The Bengal Land-revenue Settlement Regulation, 1825 (IX of 1825).	In section 5, clause *Tenth*, *the words* under the provisions of the existing Regulations.	In section 3, section 4, section 5, clause *Eighth*, section 6 and section 8, *the words* Governor General in Council, *wherever they occur, shall be read as if the words* Local Government *were substituted therefor.* In section 3, *after* Behar *insert* or. In section 6, *the words* an Order in Council *shall be read as if the words* notification in the local official Gazette *were substituted therefor.* In section 8, *for the words* rules respectively *substitute* section.	Ditto, 2nd and 3rd Schs., Pt. I.
230	The Bengal Alluvion and Diluvion Regulation, 1825 (XI of 1825).	In section 5 *the words* and city.	.....	Ditto, 3rd Sch., Pt. I.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Regulations of the Bengal Code—contd.		
231	The Bengal Land-revenue Settlement (Resumed Kanungos and Revenue-free Lands) Regulation, 1825 (XIII of 1825).	...	In sections 2 and 5, *the words* Governor General in Council, *wherever they occur, shall be read as if the words* Local Government *were substituted therefor.* In the first paragraph of section 2, *the word* he *shall be read as if the word* it *were substituted therefor.* In section 3, *for* Regulations *substitute* law.	Act I of 1903, 2nd Sch., Pt. I.
232	The Bengal Revenue-free Lands Regulation, 1825 (XIV of 1825).	In the title *the words and figures* and to provide for the due application of the general laws and regulations respecting lands held free of assessment to the territory ceded by Govind Ráo to the British Government and annexed to the zila of Bundelkhand under the provisions of Regulation II, 1818. In section 1, *the words and figures* and it is necessary to make provision for the due application of the general rules in force relative to lákhiráj tenures to the territory ceded by Govind Ráo to the British Government and annexed to the zila of Bundelkhand under	In section 1 and section 3, clause *Fifth, for* Regulations VIII and *substitute* Regulation. In sections 2 and 3, *the words* Governor General in Council, *wherever they occur, shall be read as if the words* Local Government *were substituted therefor.* In section 3, clause *Fifth, the word* his, *where it last occurs, shall be read as if the word* its *were substituted therefor.* In section 6, *for* Revenue Boards *substitute* Board of Revenue *and for* these Boards *substitute* that Board.	Ditto, 2nd and 3rd Schs., Pt. I.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Regulations of the Bengal Code—contd.		
232	The Bengal Revenue-free Lands Regulation, 1825 (XIV of 1825)—*contd.*	the provisions of Regulation II, 1818, *the words* a special appeal only shall lie in the Provincial Courts, and that in like manner in cases decided in the first instance by a Provincial Court, excepting cases ultimately appealable to the King in Council, *the words* on special grounds only, *the words* the above restriction should not apply to, *the words* but that such cases, *and the words and figures* Regulations XLI and XLII, 1795, Regulations XXXI and XXXVI, 1803. In section 2, *the words* the Lieutenant-Governor and the Board of Commissioners in the Ceded and Conquered Provinces. In section 3, clause *Second, the words and figures from* the 1st July, 1775, *to* 1st November, 1817.	... ...	Act I of 1903, 2nd and 3rd Schs. Pt. I.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Regulations of the Bengal Code—contd.		
232	The Bengal Revenue-free Lands Regulation, 1825 (XIV of 1825) *concld.*	In section 3, clause *Fifth, the words and figures* Regulation XLII, 1795, Regulation XXXVI, 1803, and, *and the words and figures from* and with respect to the territory to territory referred to. In section 3, clause *Seventh, the words and figures from* for Benares *to* 1st January, 1803, *and the words and figures from* for the pargana *to* 1st November, 1817. In section 4, *the words and figures* Regulation XLI, 1795, Regulation XXXI, 1803.	.....	Act I of 1903, 3rd Sch., Pt. I.
233	The Bengal Corruption and Extortion Regulation, 1827 (III of 1827).	In section 5, for a Court of Circuit or the Nizamat Adalat, *substitute* the Court.		Ditto.
234	The Bengal Attached Estates Management Regulation, 1827 (V of 1827).	In section 2, *the words and figures* and clauses five and six, section XVI, Regulation III, 1803.	In section 3, *for* several Regulations *substitute* Regulation.	Ditto, 2nd and 3rd Schs., Pt. I.

Table showing Effect of Legislation during 1903—contd.

1	2	3		5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Regulations of the Bengal Code—contd.		
235	The Bengal Land-revenue Assessment (Resumed Lands) Regulation, 1828 (III of 1828).	In the title, *the words from* the appointment *to* for otherwise. In section 1, *the words and figures from* By the provisions of Regulation II, 1819, *to* To remedy the aforesaid evils, *and the words from* to appoint special Commissioners *to* relative to such cases; and. Sections 2 to 8. In section 10, clause *Second, the words* whether the same be situated in districts to which the jurisdiction of a special Commissioner has been extended or in any other district, *and the words* or to the Commissioner appointed under this Regulation. In section 12, *the words and figures* Regulations XLI and XLII, 1795, Regulations XXXI and XXXVI, 1803, Regulation VIII.	..... In section 10, clauses *Second* and *Third, for* Boards *substitute* Board. In section 13, clause *First, the words* Governor General in Council *and the word* he *shall be read as if the words* Local Government *and the word* it *were respectively substituted therefor.*	Act I of 1903, 2nd and 3rd Schs., Pt. I.

Table showing Effect of Legislation during 1903—contd.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Regulations of the Bengal Code—contd.		
235	The Bengal Land-revenue Assessment (Resumed Lands) Regulation, 1828 (III of 1828)—*concld.*	In section 13, clause *First*, *the words* or before a special Commissioner under this Regulation. In section 13, clause *Second*, *the words* to a special Commissioner under this Regulation having local jurisdiction for the time being (or, if no such jurisdiction exist).	.....	Act I of 1903 3rd Sch. Pt. I.
236	The Bengal Land-revenue Settlement Regulation, 1828 (IV of 1828).	Section 1. In section 2, clause *Fourth*, *the words* by this Regulation and.	In section 2, clause *Fourth*, *for* aforesaid *substitute* vested with the powers of a Collector.	Ditto, 2nd and 3rd Schs., Pt. I.
237	The Bengal Revenue Commissioners Regulation, 1829 (I of 1829).	In the title, *the words and figures from* for establishing *to the end.* In section 1, *the words* now vested in the Courts of Circuit, together with those; *the words* the former under the authority of the Nizamat Adalat, and the latter; *the words* and altogether to disjoin the functions of the Courts of Circuit from those		Ditto, 3rd Sch., Pt. I.

Table showing Effect of Legislation during 1903—concld.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		Regulations of the Bengal Code—concld.		
237	The Bengal Revenue Commissioners Regulation, 1829 (I of 1829)—*concld.*	of the Judges of Appeal, *and the words and figures from* It has, at the same time, appeared to be necessary *to* superseded by the appointment of Commissioners. In section 2, *the figures and words from* 1st Division *to* Ghazipur, *the words* To be placed under the officer appointed to control the affairs of Arakan, *and the figures and words from* 17th *to* Rungpore. Sections 6 to 8, section 9, clause *First*, and section 10.	.....	Act I of 1903, 3rd Sch., Pt. I.
238	Bengal Regulation IV of 1833 (Convict Labourers).	The whole.	.....	
239	The Bengal Land-revenue (Settlement and Deputy Collectors) Regulation, 1833 (IX of 1833).	In the title, and in section 1, *the words and figures* and Regulation IV of 1828. Section 2 and the first sentence of section 3. In sections 8, 24 and 25, *the word* Sadr.	In the title, *for* Regulations *substitute* Regulation, and, in section 1, *for* those Regulations *substitute* that Regulation. In sections 12 and 13, *for* Boards *substitute* Board. In section 16, *the words* Governor General in Council *shall be read as if the words* Local Government *were substituted therefor.*	Ditto, 2nd and 3rd Schs., Pt. I.

G. I. C. P. O.—No. 1219 L. D.—15-3-1904.—5,500.—N. N. B.

No 973

DIVISIONAL FOREST OFFICER
DHARWAR
No 973

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

THE OPIUM ACT, 1878,

(ACT I OF 1878).

AS MODIFIED UP TO THE 1ST DECEMBER, 1896,
WITH FOOT-NOTES BROUGHT DOWN TO THE 1ST MARCH, 1903.

CALCUTTA:
OFFICE OF THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA.
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STATEMENT OF REPEALS AND AMENDMENTS.

SECTION 2 REPEALED BY . . .	Act XII of 1891, First Schedule, and Act IV of 1894, Schedule, Part III.
SECTION 24 AMENDED BY . . .	Act XII of 1891, Second Schedule.

The following changes have been made in reprinting the Act :—

(1) repealed matter has been omitted, explanatory notes being inserted ;

(2) amendments have been inserted in their proper places, with explanatory foot-notes ;

(3) references to repealed Acts have been altered as directed by the enactment which effects the repeal, explanatory foot-notes being inserted ;

(4) some further foot-notes have been added for convenience of reference ;

(5) the number and year of Acts referred to in the text have been noted in the inner margin, except where both appear in the text ;

(6) section-numbers occurring in the text have been printed in figures instead of in words ; and

(7) the headings to the pages have been amplified.

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ACT No. I OF 1878.[1]

[*9th January, 1878.*]

An Act to amend the law relating to Opium.

[As modified up to the 1st March, 1903.]

WHEREAS it is expedient to amend the law relating to opium; It is hereby enacted as follows:— Preamble.

1. This Act may be called the Opium Act, 1878; Short title.

It shall extend to such local areas[2] as the Governor General in Council may, by notification in the Gazette of India, from time to time direct; Local extent.

And it shall come into force in each of such areas on such day as the Governor General in Council in like manner directs in this behalf. Commencement.

2. [*Repeal and amendment of enactments.*] *Rep. by the Repealing and Amending Act, 1891 (XII of*

[1] For the Statement of Objects and Reasons, *see* Gazette of India, 1877, Pt. V, p. 645; for Proceedings in Council, *see ibid*, Supplement, pp. 3015 and 3030; *ibid*, 1878, pp. 53 and 80.

The Act has been declared in force in the Sonthal Parganas by the Sonthal Parganas Settlement Regulation, 1872 (III of 1872), s. 3, as amended by the Sonthal Parganas Justice and Laws Regulation, 1899 (III of 1899); in British Baluchistan by the Baluchistan Laws Regulation, 1890 (I of 1890), s. 3, Baluchistan Code, Ed. 1900, p. 60; and in the Angul District by the Angul District Regulation, 1894 (I of 1894), s. 3.

It has been declared in force in Upper Burma generally (except the Shan States) by the Burma Laws Act, 1898 (XIII of 1898), s. 4 (*1*), Sch. I, Burma Code, Ed. 1899.

[2] It has been extended by notification in the Gazette of India to the following local areas from the date specified against each:—

the United Provinces of Agra and Oudh, from 2nd February, 1878, *see* Gazette of India, 1878, Pt. I, p. 68;
the Bombay Presidency, from 1st April, 1878, *see ibid*, p 231;
Bengal, from 21st August, 1878, *see ibid*, p. 526;
Lower Burma, from 29th March, 1879, *see ibid*, 1879, Pt. I, p. 75;
Assam, from 1st April, 1879, *see ibid*, p. 259;
the Central Provinces, from 28th June, 1879, *see ibid*, p. 441.
Ajmer-Merwara, from 2nd August, 1879, *see ibid*, p. 466;
the Punjab, from 1st April, 1880, *see ibid*, 1880, Pt. I, p. 16;
the Madras Presidency, from 1st July, 1880, *see ibid*, p. 513; and
Coorg, from 1st April, 1882, *see ibid*, 1882, Pt. I, p. 135.

Ss. 3-5 and 9-16 have been extended under s. 10 (*1*) of the Burma Laws Act, 1898 (XIII of 1898) to the Myelat, *see* Burma Gazette, 1900, Pt. I, p. 477, and the whole Act, with the exception of ss. 6-8 and 22-25, has been extended to the Taunggyi Civil Station of the Southern Shan States and the Lashio Civil Station of the Northern Shan States, respectively, with certain modifications, *see* Burma Gazette, 1900, Pt. I, pp. 478 and 799, respectively.

of 1891), and the Repealing and Amending Act, 1894 (IV of 1894.)

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context,—

"opium" includes also poppy-heads, preparations or admixtures of opium, and intoxicating drugs prepared from the poppy:

"Magistrate"[1] means, in the Presidency-towns, a Presidency Magistrate, and elsewhere, a Magistrate of the first class or (when specially empowered by the Local Government to try cases under this Act) a Magistrate of the second class:

"import" means to bring into the territories administered by any Local Government from sea, or from foreign territory, or from a territory administered by any other Local Government:

"export" means to take out of the territories administered by any Local Government to sea, or to any foreign territory, or to any territory administered by another Local Government:

"transport" means to remove from one place to another within the territories administered by the same Local Government.

Prohibition of poppy-cultivation and possession, etc., of opium.

4. Except as permitted by this Act, or by any other enactment relating to opium for the time being in force, or by rules framed under this Act or under any such enactment, no one shall—

(*a*) cultivate the poppy;

(*b*) manufacture opium;

(*c*) possess opium;

(*d*) transport opium;

(*e*) import or export opium; or

(*f*) sell opium.

Power to make rules

5. The Local Government, with the previous sanction

[1] *Cf.* definition in the last clause of s. 3 of the Code of Criminal Procedure, 1898 (V of 1898), as modified up to the 1st April, 1900, published by the Legislative Department.

tion of the Governor General in Council, may, from time to time, by notification in the local Gazette, make rules [1] consistent with this Act, to permit absolutely, or subject to the payment of duty or to any other conditions, and to regulate, within the whole or any specified part of the territories administered by such Government, all or any of the following matters:— to permit such matters.

(*a*) the cultivation of the poppy;

(*b*) the manufacture of opium;

(*c*) the possession of opium;

(*d*) the transport of opium;

(*e*) the importation or exportation of opium; and

(*f*) the sale of opium, and the farm of duties leviable on the sale of opium by retail:

Provided that no duty shall be levied under any such rule on any opium imported and on which a duty is imposed by or under the law relating to sea-customs

[1] For rules made under this section for—
(1) Ajmer-Merwara, *see* Gazette of India, 1901, Pt. II, p. 325.
(2) Assam, *see* Notification No. 699 R., dated the 21st February, 1899, Assam Gazette, 1899, Pt II, p. 86.
(3) British Baluchistan, *see* Gazette of India, 1898, Pt. II, p. 12t.
(4) Bengal, *see* Calcutta Gazette, 1898, Pt. I, pp. 195 and 1321, amended *ibid*, 1901, Pt. I, p. 223.
(5) Bombay, *see* Bombay List of Local Rules and Orders, pp. LI to LIII, Vol. I, Ed. 1896, and Bombay Government Gazette, 1897, Pt. I, p. 1084, and *ibid*, 1901, Pt. I, p. 148 and *ibid*, 1903, Pt. I, p. 134.
(6) Burma, *see* Burma Excise Manual, Ed. 1895.
(7) the Central Provinces, *see* Central Provinces Gazette, 1898, Pt. III, p. 86, and *ibid*, 1901, p. 380.
(8) Coorg, *see* Coorg District Gazette Extraordinary, dated 15th February, 1898, p. 2.
(9) Madras, *see* Madras List of Local Rules and Orders, Vol. I, Ed. 1898, p. 110; and Fort St. George Gazette, 1901, Pt. I, p. 431.
(10) the United Provinces of Agra and Oudh, *see* North-Western Provinces and Oudh Gazette, 1898, Pt. I, p. 562, amended North-Western Provinces and Oudh Gazette, 1901, Pt. I, p. 211, and *ibid*, 1901, Pt. I, p. 528.
(11) the Punjab, *see* Punjab Gazette, 1900, Pt. I, p. 892; *ibid*, 1901, Pt. I, p. 532, and *ibid*, Pt. III, pp. 1150 and 1151.
(12) the Myelat in conjunction with ss. 3, 12, 13 and 14, *see* Burma Gazette 1900, Pt. I, p. 477.
(13) the civil stations of Taunggyi and Lashio and s. 13, *see* Burma Gazette, 1900, Pt. I, pp. 478 and 799, respectively.

sea-customs[1] for the time being in force or under section 6.

Duty on opium imported by land.

6. The Governor General in Council may, from time to time, by notification in the Gazette of India,[2] impose such duty as he thinks fit on opium or on any kind of opium imported by land into British India or into any specified part thereof, and may alter or abolish any duty so imposed.

Warehousing opium.

7. The Governor General in Council may, by order notified in the Gazette of India,—

(*a*) authorize any Local Government to establish warehouses,[3] for opium legally imported into, or intended to be exported from, the territories administered by such Local Government, and

(*b*) cancel any such order.

So long as such order remains in force, the Local Government may, by notification published in the official Gazette,—

(*c*) declare any place to be a warehouse for all or any opium legally imported, whether before or after the payment of any duty leviable thereon, into the territories administered by such Government, or into any specified part thereof, or intended to be exported thence, and

(*d*) cancel any such declaration.

An order under clause (*b*) shall cancel all previous declarations under clause (*c*) of this section relating to places in the territories to which such order refers.

So long as such declaration remains in force, the owner

[1] *See* the Sea Customs Act, 1878 (VIII of 1878) (Chapter VIII) General Acts, Vol. III.

[2] For notifications issued under this section, *see* Gazette of India, 1894, Pt. I, p. 657; *ibid*, 1895, p. 834, and *ibid*, 1896, pp. 146 and 570 and *ibid*, 1900, p. 454 (exempting poppy-heads imported into the Punjab.)

[3] For notification authorizing the Government of Bombay to establish a warehouse under this section, *see* List of Bombay Local Rules and Orders, Vol. I, Ed. 1896, p. LV.

owner of all such opium shall be bound to deposit it in such warehouse.

8. The Local Government, with the previous sanction of the Governor General in Council, may, from time to time, by notification in the local Gazette, make rules consistent with this Act to regulate the safe custody of opium warehoused under section 7; the levy of fees for such warehousing; the removal of such opium for sale or exportation; and the manner in which it shall be disposed of, if any duty or fees leviable on it be not paid within twelve months from the date of warehousing the same.

Power to make rules relating to warehouses.

9. Any person who, in contravention of this Act, or of rules made and notified under section 5 or section 8,—

Penalty for illegal cultivation of poppy, etc.

(*a*) cultivates the poppy, or

(*b*) manufactures opium, or

(*c*) possesses opium, or

(*d*) transports opium, or

(*e*) imports or exports opium, or

(*f*) sells opium, or

(*g*) omits to warehouse opium, or removes or does any act in respect of warehoused opium,

and any person who otherwise contravenes any such rule,

shall, on conviction before a Magistrate, be punished for each such offence with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both;

and, where a fine is imposed, the convicting Magistrate shall direct the offender to be imprisoned in default of payment of the fine for a term which may extend to six months, and such imprisonment shall be in excess of any other imprisonment to which he may have been sentenced.

10. In prosecutions under section 9, it shall be presumed, until the contrary is proved, that all opium for

Presumption in prosecutions under section 9.

for which the accused person is unable to account satisfactorily is opium in respect of which he has committed an offence under this Act.

Confiscation of opium.

11. In any case in which an offence under section 9 has been committed,—

(*a*) the poppy so cultivated,

(*b*) the opium in respect of which any offence under the same section has been committed,

(*c*) where, in the case of an offence under clause (*d*) or (*e*) of the same section, the offender is transporting, importing or exporting any opium exceeding the quantity (if any) which he is permitted to transport, import or export, as the case may be, the whole of the opium which he is transporting, importing or exporting,

(*d*) where, in the case of an offence under clause (*f*) of the same section, the offender has in his possession any opium other than the opium in respect of which the offence has been committed, the whole of such other opium,

shall be liable to confiscation.

The vessels, packages and coverings in which any opium liable to confiscation under this section is found and the other contents (if any) of the vessel or package in which such opium may be concealed, and the animals and conveyances used in carrying it, shall likewise be liable to confiscation.

Order of confiscation by whom to be made.

12. When the offender is convicted, or when the person charged with an offence in respect of any opium is acquitted, but the Magistrate decides that the opium is liable to confiscation, such confiscation may be ordered by the Magistrate.

Whenever confiscation is authorized by this Act, the officer ordering it may give the owner of the thing liable

liable to be confiscated an option to pay, in lieu of confiscation, such fine as the officer thinks fit.

When an offence against this Act has been committed, but the offender is not known or cannot be found, or when opium not in the possession of any person cannot be satisfactorily accounted for, the case shall be enquired into and determined by the Collector of the district or Deputy Commissioner, or by any other officer authorized by the Local Government in this behalf, either personally or in right of his office, who may order such confiscation: Provided that no such order shall be made until the expiration of one month from the date of seizing the things intended to be confiscated or without hearing the persons (if any) claiming any right thereto, and the evidence (if any) which they produce in support of their claims.

Power to make rules regarding disposal of things confiscated, and rewards.

13. The Local Government may, with the previous sanction of the Governor General in Council, from time to time, by notification in the local Gazette, make rules[1] consistent with this Act to regulate—

(*a*) the disposal of all things confiscated under this Act; and

(*b*) the rewards to be paid to officers and informers out of the proceeds of fines and confiscations under this Act.

Power to enter, arrest and seize, on information that opium is unlawfully kept in any enclosed place.

14. Any officer of any of the departments of Excise, Police, Customs, Salt, Opium or Revenue superior in rank to a peon or constable, who may in right of his office be authorized by the Local Government in this behalf, and who has reason to believe, from personal knowledge or from information given by any person and taken down in writing, that opium liable to confiscation under this Act is manufactured, kept or concealed in any building, vessel or enclosed place, may, between sunrise and sunset,—

(*a*) enter into any such building, vessel or place;

(*b*) in

[1] *See* List of rules noted under s. 5, *supra*, which were made also under the powers conferred by this section.

(*b*) in case of resistance, break open any door and remove any other obstacle to such entry;

(*c*) seize such opium and all materials used in the manufacture thereof, and any other thing which he has reason to believe to be liable to confiscation under section 11 or any other law for the time being in force relating to opium; and

(*d*) detain and search, and, if he think proper, arrest, any person whom he has reason to believe to be guilty of any offence relating to such opium under this or any other law for the time being in force.

Power to seize opium in open places.

15. Any officer of any of the said departments may—

(*a*) seize, in any open place or in transit, any opium or other thing which he has reason to believe to be liable to confiscation under section 11 or any other law for the time being in force relating to opium;

Power to detain, search and arrest.

(*b*) detain and search any person whom he has reason to believe to be guilty of any offence against this or any other such law, and, if such person has opium in his possession, arrest him and any other persons in his company.

Searches how made.

16. All searches under section 14 or section 15 shall be made in accordance with the provisions of the Code of Criminal Procedure, 1882[1]. X of 1882.

Officers to assist each other.

17. The officers of the several departments mentioned in section 14 shall, upon notice given or request made, be legally bound to assist each other in carrying out the provisions of this Act.

Vexatious entries, searches, seizures and arrests.

18. Any officer of any of the said departments who, without reasonable ground of suspicion, enters or

[1] *See* now the Code of Criminal Procedure, 1898 (V of 1898), as modified up to the 1st April, 1900, published by the Legislative Department.

or searches, or causes to be entered or searched, any building, vessel or place,

or vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for any opium or other thing liable to confiscation under this Act,

or vexatiously and unnecessarily detains, searches or arrests any person,

shall, for every such offence, be punished with fine not exceeding five hundred rupees.

Issue of warrants.

19. The Collector of the district, Deputy Commissioner or other officer authorized by the Local Government in this behalf, either personally or in right of his office, or a Magistrate, may issue his warrant for the arrest of any person whom he has reason to believe to have committed an offence relating to opium, or for the search, whether by day or night, of any building or vessel or place in which he has reason to believe opium liable to confiscation to be kept or concealed.

All warrants issued under this section shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1882[1].

X of 1882.

Disposal of person arrested or thing seized.

20. Every person arrested, and thing seized, under section 14 or section 15, shall be forwarded without delay to the officer in charge of the nearest police-station; and every person arrested and thing seized under section 19 shall be forwarded without delay to the officer by whom the warrant was issued.

Every officer to whom any person or thing is forwarded under this section shall, with all convenient despatch, take such measures as may be necessary for the disposal according to law of such person or thing.

Report of arrests and seizures.

21. Whenever any officer makes any arrest or seizure under this Act, he shall, within forty-eight hours next after such arrest or seizure, make a full report

[1] *See* now the Code of Criminal Procedure, 1898 (V of 1898), as modified up to the 1st April, 1900, published by the Legislative Department.

report of all the particulars of such arrest or seizure to his immediate official superior.

Procedure in case of illegal poppy cultivation.

22. In the case of alleged illegal cultivation of the poppy, the crop shall not be removed, but shall, pending the disposal of the case, be attached by an officer superior in rank to a peon or constable, who may in right of his office be authorized by the Local Government in this behalf; and such officer shall require the cultivator to give bail in a reasonable amount (to be fixed by such officer) for his appearance before the Magistrate by whom the case is to be disposed of, and such cultivator shall not be arrested unless within a reasonable time he fails to give such bail:

Provided that, wherever Act No. XIII of 1857[1] (*An Act to consolidate and amend the law relating to the cultivation of the Poppy and the manufacture of Opium in the Presidency of Fort William in Bengal*), or any part thereof, is in force, nothing in this section shall apply to such cultivation.

Recovery of arrears of fees, duties, etc.

23. Any arrear of any fee or duty imposed under this Act or any rule made hereunder,

and any arrear due from any farmer of opium-revenue,

may be recovered from the person primarily liable to pay the same to the Government or from his surety (if any) as if it were an arrear of land-revenue.

Farmer may apply to Collector or other officer to recover amount due to him by licensee.

24. When any amount is due to a farmer of opium-revenue from his licensee, in respect of a license, such farmer may make an application to the Collector of the district, Deputy Commissioner or other officer authorized by the Local Government in this behalf, praying such officer to recover such amount on behalf of the applicant; and, on receiving such application, such Collector, Deputy Commissioner or other officer may in his discretion recover such amount as if it were an arrear of land-revenue,[2]

and

[1] N.-W. P. and Oudh Code, Ed. 1892, p. 93; and Central Provinces Code, Ed. 1891, p. 23.

[2] *See* the Revenue Recovery Act, 1890 (I of 1890), General Acts, Vol. V.

and shall pay any amount so recovered to the applicant:

Provided that the execution of any process issued by such Collector, Deputy Commissioner[1] or other officer for the recovery of such amount shall be stayed if the licensee institutes a suit in the Civil Court to try the demand of the farmer, and furnishes security to the satisfaction of such officer for the payment of the amount which such Court may adjudge to be due from him to such farmer:

Provided also that nothing contained in this section or done thereunder shall affect the right of any farmer of opium-revenue to recover by suit in the Civil Court or otherwise any amount due to him from such licensee.

Recovery of penalties due under bond.

25. When any person, in compliance with any rule made hereunder, gives a bond for the performance of any duty or act, such duty or act shall be deemed to be a public duty, or an act in which the public are interested, as the case may be, within the meaning of the Indian Contract Act, 1872,[2] section 74; and, upon breach of the condition of such bond by him, the whole sum named therein as the amount to be paid in case of such breach may be recovered from him as if it were an arrear of land-revenue.

IX of 1872.

SCHEDULE.

[ENACTMENT REPEALED.]

Repealed by Act XII of 1891.

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[1] "Deputy Commissioner" was substituted for "Deputy Collector" by the Repealing and Amending Act, 1891 (XII of 1891), Sch. II, General Acts, Vol. VI.

[2] General Acts, Vol. II.

Government of India Central Printing Office.—No. 732 L. D.—8-4-1903.—120.—R. B.

No 979

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

DIVISIONAL FOREST OFFICER
DHARWAR
No 979

THE INDIAN INCOME-TAX ACT, 1886,
(ACT II OF 1886,)

AS MODIFIED UP TO THE 1ST APRIL, 1903.

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STATEMENT OF REPEALS AND AMENDMENTS.

SECTION 1 (3) REPEALED BY	ACT XII OF 1891.
SECTION 48 REPEALED IN PART BY	„ VI OF 1902.
SCHEDULE 2, PART III (b), REPEALED BY	„ XII OF 1891.
SECTION 5 (1) (j) AMENDED BY	„ XI OF 1903.
SECTION 41 DO.	Do.
SCHEDULE 2, PART III, COL. 2, AMENDED BY	Do.
Do. PART IV, COL. 2, DO.	Do.

The following changes have been made in reprinting the Act:—

(1) repealed matter has been omitted, explanatory notes being inserted :

(2) some foot-notes have been added for convenience of reference.

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ACT No. II of 1886.[1]

[*29th January, 1886.*]

An Act for imposing a tax on income derived from sources other than agriculture.

[As modified up to the 1st April, 1903.]

WHEREAS it is expedient to impose a tax on income derived from sources other than agriculture; It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

Extent and commencement.

1. (*1*) This Act extends to the whole of British India, and applies also, within the dominions of Princes and States in India in alliance with Her Majesty, to British subjects in those dominions who are in the service of the Government of India or of a local authority established in the exercise of the powers of the Governor General in Council in that behalf; and

(*2*) It shall come into force on the first day of April, 1886.

(*3*) [*Rep. by the Repealing Act, 1891* (*XII of 1891*).]

2. On

[1] Short title, "The Indian Income-tax Act, 1886"—*see* the Indian Short Titles Act, 1897 (XIV of 1897), General Acts, Vol. VI.

For Statement of Objects and Reasons, *see* Gazette of India, 1886, Pt. V, p. 33; for Report of the Select Committee, *see ibid*, Pt. IV, p. 41; and for Proceedings in Council, *see ibid*, Supplement, pp. 45, 179 and 214.

For consolidated rules made under the powers conferred by the Act, *see* Gazette of India, 1890, Pt. I, p. 409.

Act II of 1886 has been declared in force in the Sonthal Parganas by the Sonthal Parganas Settlement Regulation (III of 1872), s. 3, as amended by the Sonthal Parganas Justice and Laws Regulation, 1899 (III of 1899).

The Act had been previously extended to these Parganas under s. 5 of the Scheduled Districts Act, 1874 (XIV of 1874),—Gazette of India, 1896, Pt. I, p. 974.

It has also been declared in force in Upper Burma (except the Shan States) by the Burma Laws Act, 1898 (XIII of 1898), s. 4, Burma Code, Ed. 1899, p. 260.

[2] General Acts, Vol. VI.

Repeal.

2. On and from the day on which this Act comes into force the enactments specified in the first schedule to this Act shall be repealed, except as to fees payable and other sums due under those enactments and the mode of recovering the same.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "local authority" means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local fund :

(*2*) "company" means an association carrying on business in British India, whose stock or funds is or are divided into shares and transferable, whether the company is incorporated or not, and whether its principal place of business is situate in British India or not :

(*3*) "prescribed" means prescribed by the Governor General in Council by notification in the Gazette of India, or by the Governor General in Council or a Local Government by rules made under this Act :

(*4*) "salary" includes allowances, fees, commissions, perquisites or profits received, in lieu of or in addition to a fixed salary, in respect of an office or employment of profit ; but, subject to any rules which may be prescribed in this behalf, it does not include travelling, tentage, horse or sumptuary allowance, or any other allowance granted to meet specific expenditure :

(*5*) "income" means income and profits accruing and arising or received in British India, and includes, in the case of a British subject within the dominions of a Prince or State in India in alliance with Her Majesty, any salary, annuity, pension or gratuity payable to that subject by the Government or by a local authority established in the exercise of the powers of the Governor General in Council in that behalf :

(*6*) "Magistrate" means a Presidency Magistrate or a Magistrate of the first or second class :

(*7*) "person"

(*7*) "person" includes a firm and a Hindu undivided family:

(*8*) "defaulter" includes a company or firm making default under this Act:

(*9*) "Collector" means the chief officer in charge of the revenue-administration of a district, and, in a presidency-town, any officer whom the Local Government, by notification in the official Gazette,[1] may, by name or by virtue of his office, appoint to be a Collector for the purposes of this Act; in the case of a company or firm, it means the Collector, as here defined, of the district or presidency-town in which its principal place of business in British India is situate; and, in the case of any other person chargeable under this Act, it means the Collector, defined as aforesaid, of the district or presidency-town in which the person has his residence:

(*10*) "principal officer," used with reference to a local authority or a company or any other public body or association not being a local authority or company, means—

(*a*) the secretary, treasurer, manager or agent of the authority, company, body or association; or

(*b*) any person connected with the authority, company, body or association upon whom the Collector has caused a notice to be served of his intention of treating him as the principal officer thereof; and

(*11*) "Part" means a Part of the second schedule to this Act.

CHAPTER II.

LIABILITY TO TAX.

Incomes liable to the tax.

4. Subject to the exceptions mentioned in the next following section, there shall be paid, in the year

[1] For notification by the Government of Madras investing the Collector of Madras with all the powers of a "Collector" under the Act, *see* Fort St. George Gazette, 1886, Pt. I, p. 231.

year beginning with the first day of April, 1886, and in each subsequent year, to the credit of the Government of India, or as the Governor General in Council directs, in respect of the sources of income specified in the first column of the second schedule to this Act, a tax at the rate specified in that behalf in the second column of that schedule.

Exceptions.

5. (*1*) Nothing in section 4 shall render liable to the tax—

(*a*) any rent or revenue derived from land which is used for agricultural purposes and is either assessed to land-revenue or subject to a local rate assessed and collected by officials of the Government, as such ; or

(*b*) any income derived from—

(i) agriculture, or

(ii) the performance by a cultivator or receiver of rent-in-kind of any process ordinarily employed by a cultivator or receiver of rent-in-kind to render the produce raised or received by him fit to be taken to market, or

(iii) the sale by a cultivator or receiver of rent-in-kind of the produce raised or received by him, when he does not keep a shop or stall for the sale of such produce ; or

(*c*) any building owned and occupied by the receiver of the rent or revenue of any such land as is referred to in clause (*a*), or by the cultivator, or the receiver of rent-in-kind, of any land with respect to which or the produce whereof any operation mentioned in clause (*b*) is carried on :

Provided that the building is on or in the immediate vicinity of the land, and is a building which the receiver of the rent or revenue, or the cultivator or the receiver of

of the rent-in-kind, by reason of his connection with the land, requires as a dwelling-house, or as a store-house, factory or other out-building; or

(*d*) any profits of a shipping company incorporated or registered out of British India and having its principal place of business out of India and its ships ordinarily engaged in seagoing traffic out of Indian waters; or

(*e*) any income derived from property solely employed for religious or public charitable purposes; or

(*f*) any income which a person enjoys as a member of a company or of a firm or of a Hindu undivided family when the company or the firm or the family is liable to the tax; or,

(*g*) subject to any conditions and restrictions which may be prescribed in this behalf, such portion, not exceeding one-sixth, of the income in respect whereof a person would, but for this exception, be chargeable under this Act, as is deducted from the salary of the person under the authority or with the permission of the Government for the purpose of securing a deferred annuity to him or a provision to his wife or children after his death or is paid by the person to an insurance company in respect of an insurance or deferred annuity on his own life or on the life of his wife; or

(*h*) any interest on stock-notes; or

(*i*) the salary of any officer, warrant-officer, non-commissioned officer or private of Her Majesty's Forces or of Her Majesty's Indian Forces who is not in an employment which, according to the ordinary practice, is held indifferently by military persons and

and civilians, and whose salary does not exceed five hundred rupees per mensem; or

(*j*) any person whose income from all sources is less than [1][one thousand] rupees per annum.

(*2*) An officer or servant is not exempt from taxation under this Act by reason only of the income of his employer being exempt therefrom under this section.

Power to make exemptions.

6. The Governor General in Council may, by notification in the Gazette of India, exempt[2] from liability to the tax the whole or any part of the income of any class or tribe, or of any persons residing in any specified area, and may, by a like notification, revoke the exemption.

CHAPTER III.

ASSESSMENT AND COLLECTION.

A.—Salaries and Pensions.

Mode of payment in case of Government officials and pensioners.

7. In the case of a person receiving any salary, annuity, pension or gratuity from the Government, any sum payable to him by the Government in respect of the salary, annuity, pension or gratuity shall be reduced by the amount of the tax to which he is liable under Part I in respect thereof.

Mode of payment in case of servants and pensioners of local authorities.

8. (*1*) In the case of a person receiving any salary, annuity, pension or gratuity from a local authority, the tax to which he is liable under Part I shall, at the time of the payment to him of any of the salary, annuity, pension or gratuity, be deducted therefrom by the officer whose duty it is to make the payment, and be paid by that officer within the prescribed time to

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[1] These words were substituted for "five hundred" by the Indian Income-tax (Amendment) Act, 1903 (XI of 1903), s. 2 (*1*).

[2] For the consolidated notification as to exemptions from tax and assessment under the Act, issued under this section and s. 38, *see* Gazette of India, 1890, Pt. I, p. 408; *ibid*, 1893, Pt. I, p. 647; *ibid*, 1898, Pt. I, p. 1086; and *ibid*, 1901, Pt. I, p. 259.

to the credit of the Government of India or as the Governor General in Council directs.

(*2*) If that officer does not deduct and pay the tax as required by sub-section (*1*), he shall, without prejudice to any other consequences which he may incur, be deemed to be personally in default in respect of the tax.

(*3*) If, when any payment is made, the tax is from any cause not deducted, it may, and on the requisition of the Collector shall, be deducted when any salary, annuity, pension or gratuity is subsequently paid to the person liable to the tax.

(*4*) The power to deduct under this section shall be without prejudice to any other mode of recovery.

Mode of payment in case of servants and pensioners of companies and private employers.

9. (*1*) The tax to which a person receiving any salary, annuity, pension or gratuity from a company, or from any other public body or association not being a local authority or company, or from a private employer, is liable under Part I shall be payable by him at the time when any portion of the salary, annuity, pension or gratuity is paid to him.

(*2*) The Collector may, subject to such conditions as may be prescribed, enter into an arrangement with any company, or any such body or association as aforesaid, or any private employer, with respect to the recovery on behalf of the Government by the company, body, association or employer of the tax to which any person receiving any salary, annuity, pension or gratuity from the company, body, association or employer is liable under Part I.

Annual return by principal officer of company or association.

10. The principal officer of every local authority, and of every company, and of every other public body or association not being a local authority or company, shall prepare, and, on or before the fifteenth day of April in each year, deliver or cause to be delivered to the Collector, in the prescribed form, a return in writing showing—

(*a*) the name of every person who is receiving at the

the date of the return any salary, annuity or pension, or has received during the year ending on that date any gratuity, from the authority, company, body or association, as the case may be, and the address of every such person so far as it is known; and

(*b*) the amount of the salary, annuity, pension or gratuity so received by each such person, and the time at which the same becomes payable or, in the case of a gratuity, was paid.

B.—Profits of Companies.

Annual statement of nett profits.

11. The principal officer in British India of every company shall prepare, and, on or before the fifteenth day of April in each year, deliver or cause to be delivered to the Collector, a statement in writing signed by him of the nett profits made in British India by the company during the year ending on the day on which the company's accounts have been last made up, or, if the company's accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then of the nett profits so made during the year ending on the said thirty-first day of March.

Power to require officers of companies to produce accounts.

12. (*1*) If the Collector has reason to believe that a statement delivered under section 11 is incorrect or incomplete, he may cause to be served on the principal officer of the company a notice requiring him, on or before a date to be therein mentioned, either to attend at the Collector's office and produce, or to cause to be there produced, for the inspection of the Collector, such of the accounts of the company as refer to the year to which the statement relates and as are in his possession or power.

(*2*) On the day specified in the notice, or as soon afterwards as may be, the Collector shall, by an order in

in writing, determine the amount at which the company shall be assessed under Part II, and the time when the amount shall be paid, and, subject to the provisions of this Act, that amount shall be payable accordingly.

C.—Interest on Securities.

Mode of payment of tax on interest on securities.

13. (*1*) The tax payable under Part III in respect of the interest on any of the securities mentioned in that Part shall, at the time when and place where any of the interest is paid, be deducted therefrom by the person empowered to pay the interest, and be paid by that person within the prescribed time to the credit of the Government of India or as the Governor General in Council directs.

(*2*) If that person does not deduct and pay the tax as required by sub-section (*1*), he shall, without prejudice to any other consequences which he may incur, be deemed to be personally in default in respect of the tax.

D.—Other Sources of Income.

Ordinary Mode of Assessment and Collection.

Collector to determine persons chargeable.

14. The Collector shall, from time to time, determine what persons are chargeable under Part IV, and the amount at which every person so chargeable shall be assessed.

Mode of making assessment.

15. (*1*) The assessment shall be made upon the income accruing to the person during the year ending on the day on which his accounts have been last made up, or, if his accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then upon the income accruing to him during the year ending on the said thirty-first day of March.

(*2*) In the case of a person for the first time becoming chargeable under Part IV within the year

for

for which the assessment is to be made, or within the year next before that year, the assessment shall be made according to an average of his income for such period as the Collector, having regard to the circumstances, directs.

List of incomes under two thousand rupees.

16. (*1*) The Collector shall in each year prepare a list of the persons chargeable under Part IV whose annual income does not, in his opinion, amount to two thousand rupees.

(*2*) The list shall be in the prescribed language[1] or languages, and shall state in respect of every such person the following particulars, namely :—

(*a*) his name, and the source or sources of the income in respect of which he is chargeable;

(*b*) the year or portion of the year for which the tax is to be paid;

(*c*) the place or places, district or districts, where the income accrues;

(*d*) the amount to be paid; and

(*e*) the place where, and the person to whom, the amount is to be paid.

(*3*) The list shall be filed in the office of the Collector, with a notification prefixed thereto requiring every person mentioned in the list to pay, within sixty days from a date specified in the notification, the amount stated in the list as payable by him, or to apply to the Collector, within thirty days from that date, to have the assessment reduced or cancelled.

(*4*) The list so filed shall be open to inspection at all reasonable times without any payment.

(*5*) The list, or such part or parts thereof as the Collector thinks fit, with the notification prefixed thereto, shall be further published in such manner as the Local Government may consider to be best adapted for giving information to all persons concerned.

(*6*) The

[1] For notification prescribing language of lists in the Central Provinces, *see* Central Provinces List of Local Rules and Orders, Ed. 1896, p. 50.

(*6*) The list to be prepared in each year may be the list of the previous year with such amendments as the Collector finds to be necessary.

Notices to persons with incomes of two thousand rupees and upwards.

17. In the case of a person chargeable under Part IV whose annual income is, in the Collector's opinion, two thousand rupees or upwards, the Collector shall cause a notice to be served on him stating the particulars (*a*) to (*e*), both inclusive, mentioned in section 16, sub-section (*2*), and requiring him to pay, within sixty days from a date specified in the notice, the amount stated therein as payable by him, or to apply to the Collector, within thirty days from that date, to have the assessment reduced or cancelled.

Power to modify ordinary procedure in special cases.

18. (*1*) Notwithstanding anything contained in section 16 or section 17, the Local Government may make rules[1]—

(*a*) authorising or directing a Collector in specified cases, or classes of cases, to include in a list under section 16 any person who is liable to be served with a notice under section 17 instead of or in addition to serving him with such a notice, and to serve a notice under section 17 on any person liable to be included in a list under section 16 instead of or in addition to including him in such a list;

(*b*) authorising the Collector in any specified town or place to cause a general notice to be published, inviting every person chargeable under Part IV to deliver or cause to be delivered to the Collector, within a time specified in the notice, a return, in a prescribed

[1] For rules made by the—

(*1*) Government of Bombay, *see* Bombay List of Local Rules and Orders, Ed. 1896, p. 450;

(*2*) Government of Madras, *see* Madras List of Local Rules and Orders, Ed. 1897, p. 216;

(*3*) Chief Commissioner, Central Provinces, *see* Central Provinces List of Local Rules and Orders, Ed. 1896, p. 50;

(*4*) Chief Commissioner of Coorg, *see* Coorg District Gazette, 1886, Pt. I, p. 253; *ibid*, 1901, Pt. I, p. 169.

prescribed form, published with the notice, of his income during the year ending on the day on which his accounts have been last made up, or, if his accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then of his income during the year ending on the said thirty-first day of March;

(*c*) authorising the Collector in any presidency-town to cause a special notice to be served on any person chargeable under Part IV, inviting him to deliver or cause to be delivered to the Collector, within a time specified in the notice, a return, in a prescribed form, accompanying the notice, of his income computed in the manner described in clause (*b*) of this sub-section.

(*2*) A return delivered under rules made under clause (*b*) or clause (*c*) of sub-section (*1*) must state the period during which the income has actually accrued; and there must be added at the foot thereof a declaration that the income shown in the return is truly estimated on all the sources therein mentioned, that it has actually accrued within the period therein stated, and that the person making the return has no other source of income.

(*3*) When a Collector authorised in that behalf by rules made under clause (*b*) or clause (*c*) of sub-section (*1*) has caused a notice to be published or served under those rules, he shall not include any person to whom the notice applies in any list made under section 16 or serve a notice on him under section 17 until the time specified in the notice published or served under those rules has expired.

(*4*) Rules made under this section shall be published in the official Gazette.

19. Every

19. Every amount specified as payable in a list or notice prepared or served under section 16 or section 17 shall be paid within the time, at the place, and to the person, mentioned in the list or notice.

Time and place of payment.

Trustees, Agents, Managers and Incapacitated Persons.

20. A person being the trustee, guardian, curator or committee of any infant, married woman subject to the law of England, lunatic or idiot, and having the control of the property of the infant, married woman, lunatic or idiot, whether the infant, married woman, lunatic or idiot resides in British India or not, shall, if the infant, married woman, lunatic or idiot is chargeable under Part IV, be chargeable under that Part in like manner and to the same amount as the infant would be chargeable if he were of full age, or the married woman if she were sole, or the lunatic or idiot if he were capable of acting for himself.

Trustees, guardians and committees of incapacitated persons to be charged.

21. Any person not resident in British India, whether a subject of His Majesty or not, being in receipt, through an agent, of any income chargeable under Part IV, shall be chargeable under that Part in the name of the agent in the like manner and to the like amount as he would be chargeable if he were resident in British India and in direct receipt of that income.

Non-residents to be charged in names of their agents.

22. Receivers or managers appointed by any Court in India, the Courts of Wards, the Administrators General of Bengal, Madras and Bombay, and the Official Trustees shall be chargeable under Part IV in respect of all income officially in their possession or under their control which is liable to assessment under that Part.

Receivers, managers, Courts of Wards, Administrators General and Official Trustees.

23. When a trustee, guardian, curator, committee or agent is, as such, assessed under Part IV,

Power to retain duties charged on trustees, etc.

or

17

or when a receiver or manager appointed as aforesaid, a Court of Wards, an Administrator General or an Official Trustee is assessed under that Part in respect of income officially received,

the person or Court so assessed may, from time to time, out of the money coming to his or its possession as trustee, guardian, curator, committee or agent, or as receiver, manager, Court of Wards, Administrator General or Official Trustee, retain so much as is sufficient to pay the amount of the assessment.

Occupying Owners.

Provision for tax on occupying owners.

24. (*1*) Where a building is occupied by its owner, it shall be deemed a source of income within the meaning of this Act, and, if liable to be assessed under this Act, shall be assessed at five-sixths of the gross annual rent at which it may reasonably be expected to let, and, in the case of a dwelling-house, may be expected to let unfurnished.

(*2*) "Owner," as used in this section with reference to a building, means the person who would be entitled to receive the rent of the building if the building were let to a tenant.

CHAPTER IV.

Revision of Assessment.

Petition to Collector against assessment under Part IV.

25. (*1*) Any person objecting to the amount at which he is assessed, or denying his liability to be assessed, under Part IV may apply by petition to the Collector to have the assessment reduced or cancelled.

(*2*) The petition shall ordinarily be presented within the period specified in the notification prefixed to the list filed under section 16, or in the notice served under section 17, as the case may be. But the Collector

Collector may receive a petition after the expiration of that period if he is satisfied that the objector had sufficient cause for not presenting it within that period.

(*3*) The petition shall, as nearly as circumstances admit, be in the form contained in the third schedule to this Act, and the statements contained in the petition shall be verified by the petitioner or some other competent person in the manner required by law for the verification of plaints.

Hearing of petition.

26. The Collector shall fix a day and place for the hearing of the petition, and on the day and at the place so fixed, or on the day and at the place, if any, to which he has adjourned the hearing, shall hear the petition and pass such order thereon as he thinks fit.

Petition to Commissioner for revision.

27. Subject to the control of the Local Government, the Commissioner of the Division, on the petition of any person deeming himself aggrieved by an order under section 12, sub-section (*2*), or section 26 shall, if the amount of the assessment to which the petition relates is two hundred and fifty rupees or upwards, and may in his discretion if the amount of the assessment is less than two hundred and fifty rupees, call for the record of the case, and pass such order thereon as he thinks fit.

Power to summon witnesses, etc.

28. The Collector or Commissioner may, for the purpose of enabling him to determine how the petitioner or the company which he represents should be assessed, summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents, by the same means, and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure[1]:

XIV of 1882.

Provided that the Collector or Commissioner shall not call for any evidence except at the instance of the petitioner

[1] For Act XIV of 1882, *see* the revised edition, as modified up to 1st December, 1899, published by the Legislative Department.

petitioner or in order to ascertain the correctness of facts alleged by him.

CHAPTER V.

RECOVERY OF ARREARS OF TAX.

Tax when payable.

29. The tax chargeable under this Act shall be payable at the time appointed in that behalf in or under this Act, or, if a time is not so appointed, then on the first day of June in each year.

Mode and time of recovery.

30. (*1*) In any case of default under this Act the Collector, in his discretion, may recover a sum not exceeding double the amount of the tax either as if it were an arrear of land-revenue or by any process enforceable for the recovery of an arrear of any municipal tax or local rate imposed under any enactment for the time being in force in any part of the territories administered by the Local Government to which he is subordinate, or may pass an order that a sum not exceeding double that amount shall be recovered from the defaulter:

Provided that, where a person has presented a petition under section 25, such sum shall not be recoverable from him unless, within thirty days from the passing of the order on the petition, he fails to pay the amount, if any, required by that order.

(*2*) The Local Government may direct by what authority any powers or duties incident under any such enactment as aforesaid to the enforcement of any process for the recovery of a municipal tax or local rate shall be exercised or performed when that process is employed under sub-section (*1*) for the recovery of the tax chargeable under this Act.

(*3*) An order passed by the Collector under sub-section (*1*) shall have the force of a decree of a Civil Court in a suit in which the Government is the plaintiff and the defaulter is the defendant; and the order may be enforced in manner provided by the Code of Civil

XIV of 1882. Civil Procedure[1] for the enforcement of decrees for money; and the procedure under the said Code in respect of the following matters, namely,—

(*a*) sales in execution of decrees,

(*b*) arrest in execution of decrees for money,

(*c*) execution of decrees by imprisonment,

(*d*) claims to attached property, and

(*e*) execution of decrees out of the jurisdiction of the Courts by which they were passed,

shall apply to every execution issued for levying the sum mentioned in the order; save that all the powers and duties conferred and imposed by the said Code upon the Court shall be exercised and discharged by the Collector by whom the order has been made or to whom a copy thereof has been sent for execution XIV of 1882. according to the provisions of the said Code,[1] sections 223 and 224.

(*4*) The Local Government may direct, with respect to any specified area, that the tax chargeable under this Act shall be recovered therein with, and as an addition to, any municipal tax or local rate by the same person and in the same manner as the municipal tax or local rate is recovered.[2]

(*5*) No proceedings for the recovery of any sum payable under this Act shall be commenced after the expiration of three months from the last day of the year in respect of which the sum is payable.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS.

Composition.

31. (*1*) If a company or person desires to compound for

Agreements for composition.

[1] For Act XIV of 1882, *see* the revised edition, as modified up to 1st December, 1899, published by the Legislative Department.

[2] For rules by the Government of Bombay as to the mode of recovering the tax on vehicles and animals plying for hire in Bombay, *see* Bombay List of Local Rules and Orders, Ed. 1896, Vol. I, p. 456.

for the tax assessable under Part II or Part IV, as the case may be, the Collector may, subject to such rules as may be prescribed in this behalf, agree with the company or person for a composition for the tax on such terms and for such period as he thinks fit.

(*2*) The agreement shall provide for the payment in each year of the period comprised in the agreement of the amount of the composition; and that amount shall be recoverable in the same manner and by the same means as any other assessment made under Part II or Part IV, as the case may be.

Receipts.

Receipts and their contents.

32. When any money is paid under this Act to the Collector or is recovered thereunder by him, he shall give a receipt for the same, specifying—

(*a*) the date of the payment or recovery of the money;

(*b*) the amount paid or recovered;

(*c*) the person who was liable to the tax, and the source or sources of income in respect of which the tax was payable;

(*d*) the year or part of the year for which the tax was payable;

(*e*) the place or places, district or districts, where the income accrues; and

(*f*) such other particulars, if any, as may be prescribed.

Amendment of Assessment.

Amendment of assessment.

33. If a company or person assessed under Part II or Part IV ceases to carry on the trade or business in respect whereof the assessment was made, or if any such person dies or becomes insolvent before the end of the year for which the assessment was made, or if any such company or person is, from any other specific cause, deprived of or loses the income on which the assessment

assessment was made, then the company or person or its or his representative in interest may apply to the Collector during or within three months after the end of the year, and the Collector, on proof to his satisfaction of any such cause as aforesaid, shall amend the assessment as the case may require, and refund such sum, if any, as has been overpaid.

Penalties.

Failure to make payments or deliver returns or statements.

34. (*1*) If a person fails—

(*a*) to deduct and pay any tax as required by section 8, sub-section (*1*), or section 13, sub-section (*1*), or

(*b*) to deliver or cause to be delivered to the Collector in due time the return or statement mentioned in section 10 or section 11, or

(*c*) to produce, or cause to be produced, on or before the date mentioned in a notice under section 12, such accounts as are referred to in the notice,

he shall, on conviction before a Magistrate, be punishable with fine which may extend to ten rupees for every day during which the default continues.

(*2*) The Commissioner of the Division may remit wholly or in part any fine imposed under this section.

False statement in declaration.

35. If a person makes a statement in a declaration mentioned in section 18, sub-section (*2*), which is false, and which he either knows or believes to be false or does not believe to be true, he shall be deemed to have committed the offence described in section 177 of the Indian Penal Code.[1]

XLV of 1860.

Prosecution to be at instance of Collector.

36. A person shall not be proceeded against for an offence under section 34 or section 35, except at the instance of the Collector.

37. Any

[1] *See* now the revised edition of the Code as modified up to 1st April, 1903.

Sections 193 and 228 of Penal Code to apply to proceedings.

37. Any proceeding under section 12 or Chapter IV of this Act shall be deemed to be a "judicial proceeding" within the meaning of sections 193 and 228 of the Indian Penal Code.[1]

Power to make Rules.

Power to make rules.

[2]**38.** (*1*) The Governor General in Council may make rules consistent with this Act for ascertaining and determining income liable to assessment, for preventing the disclosure of particulars contained in documents delivered or produced with respect to assessments under Part IV, and, generally, for carrying out the purposes of this Act, and may delegate to a Local Government the power to make such rules[3] so far as regards the territories subject to that Government.

(*2*) In making a rule for preventing the disclosure of any particulars referred to in sub-section (*1*), the Governor General in Council may direct that a public servant committing a breach of the rule shall be deemed to have committed an offence under section 166 of the Indian Penal Code.[1] XLV of 1860.

(*3*) But a person committing any such offence shall

[1] *See* now the revised edition of the Code as modified up to 1st April, 1903.

[2] As to exemption from liability to assessment, *see* notification referred to in footnote to s. 6, *supra*.

[3] For rules in force in—

(*1*) Ajmer-Merwara, *see* Ajmer-Merwara Lists of Local Rules and Orders, Ed. 1902, p. 127;

(*2*) Assam, *see* Assam Manual of Local Rules and Orders, Ed. 1893, p. 231;

(*3*) Bengal, *see* Bengal List of Local Rules and Orders, Ed. 1903, p. 103;

(*4*) Bombay, *see* Bombay List of Local Rules and Orders, Ed. 1896, Vol. I, p. 456;

(*5*) Central Provinces, *see* Central Provinces List of Local Rules and Orders, Ed. 1896, p. 50;

(*6*) Madras, *see* Madras List of Local Rules and Orders, Ed. 1897, Vol. I, p. 216;

(*7*) Punjab, *see* Punjab List of Local Rules and Orders, Ed. 1902, p. 146;

(*8*) United Provinces of Agra and Oudh, *see* N.-W. P. List of Local Rules and Orders, Ed. 1893, p. 120.

shall not be liable to be prosecuted therefor without the previous sanction of the Local Government.

(*4*) Rules made under this section shall be published in the official Gazette.

Miscellaneous.

39. No suit shall lie in any Civil Court to set aside or modify any assessment made under this Act. Bar of suits in Civil Court.

40. All or any of the powers and duties conferred and imposed by this Act on a Collector or on a Commissioner of Division may be exercised and performed by such other officer or person as the Local Government appoints in this behalf.[1] Exercise of powers of Collector and Commissioner.

41. An officer or person exercising all or any of the powers of a Collector under this Act may, by notice, require any person to furnish a list, in the prescribed form, containing, to the best of his belief,— Obligation to furnish information respecting lodgers and employés.

(*a*) the name of every inmate or lodger resident in any house used by him as a dwelling-house or let by him in lodgings;

(*b*) the name of every other person receiving salary or emoluments amounting to [eighty-three

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[1] For notifications under this section for—

(*1*) Assam, *see* Assam Manual of Local Rules and Orders, Ed. 1893, p. 231;

(*2*) Ajmer-Merwara, *see* Gazette of India, 1902, Pt. II, p. 1031, and Ajmer List of Local Rules and Orders, Ed. 1902, p. 10;

(*3*) Bombay, *see* Bombay Government Gazette, 1902, Pt. I, p. 2009;

(*4*) Burma, *see* Income-tax Pamphlet, Ed. 1891, and Burma Gazette, 1902, Pt. I, p. 688;

(*5*) Central Provinces, *see* Central Provinces List of Local Rules and Orders, Ed. 1896, pp. 50 and 51;

(*6*) Madras, *see* Madras List of Local Rules and Orders, Ed. 1897, Vol. I, p. 217;

(*7*) United Provinces of Agra and Oudh, *see* N.-W. P. and Oudh List of Local Rules and Orders, Ed. 1893, p. 120.

For notifications investing Political Officers with powers in respect of persons residing out of British India, *see* Gazette of India, 1887, Pt. I, p. 465.

three rupees five annas and four pies][1] per mensem, or [one thousand][1] rupees per annum, or upwards, employed in his service, whether resident in any such house as aforesaid or not; and

(*c*) the place of residence of such of those persons as are not resident in any such house, and of any inmate or lodger in any such house who has a place of residence elsewhere at which he is liable under this Act to be assessed and who desires to be assessed at that place.

Trustees and agents to furnish information as to beneficiaries and principals.

42. An officer or person exercising all or any of the powers aforesaid may, by notice, require any person whom he has reason to believe to be a trustee, guardian, curator, committee or agent to deliver or cause to be delivered a statement of the names of the persons for or of whom he is trustee, guardian, curator, committee or agent.

Trustees, etc., to furnish information as to income.

43. An officer or person exercising all or any of the said powers may, by notice, require a trustee, guardian, curator, committee or agent, or a receiver or manager appointed by any Court in India, or a Court of Wards, Administrator General or Official Trustee, to furnish such returns of income liable to assessment under Part IV as may be prescribed.

Obligation to furnish other information.

44. An officer or person exercising all or any of the said powers may, at the instance of any person respecting whose assessment or the amount thereof any doubt exists, require any person to furnish such information as he deems to be necessary for the purpose of ascertaining facts relevant to the assessment or its amount.

Sections 176 and 177 of Penal Code to apply to requisitions for information.

45. A person required to furnish any information under section 41, section 42, section 43 or section 44 shall be legally bound to furnish the same in such manner

[1] These words were substituted for "forty-one rupees, ten annas and eight pies" and "five hundred" respectively by the Income-tax (Amendment) Act, 1903 (XI of 1903), s. 2 (*2*).

manner and within such time as may be specified in the requisition for the information.

Service of notices.

46. (*1*) A notice under this Act may be served on the person therein named either by a prepaid letter addressed to the person and registered under Part III of the Indian Post Office Act, 1866,[1] or by the delivery or tender to him of a copy of the notice.

XIV of 1866.

(*2*) If a notice is served by registered letter, it shall be presumed to have been served at the time when the letter would be delivered in the ordinary course of post, and proof that the letter was properly addressed and put into the post shall be sufficient to raise the presumption that the notice was duly served at that time.

(*3*) If the notice is to be served otherwise than by registered letter, the service shall, whenever it may be practicable, be on the person named in the notice, or, in the case of a firm, on some member thereof, or, in the case of a Hindu undivided family, on the manager of the joint estate of the family.

(*4*) But when the person, member or manager cannot be found, the service may be made on any adult male member of his family residing with him; and, if no such adult male member can be found, the serving officer shall fix the copy of the notice on the outer door of the house in which the person, firm or family therein named ordinarily resides or carries on business.

Power to declare principal place of business or residence.

47. (*1*) When a company or firm has several places of business in territories subject to different Local Governments, the Governor General in Council may declare which of those places shall, for the purposes of this Act, be deemed to be the principal place of business.

(*2*) When a company or firm has several places of business in the territories subject to a single Local Government, that Government may declare which of them

[1] *See* now the Indian Post Office Act, 1898 (VI of 1898), General Acts, Vol. VI.

them shall, for the purposes of this Act, be deemed to be the principal place of business.

(*3*) When a person has several places of residence in territories subject to different Local Governments, the Governor General in Council may declare which of those places shall, for the purposes of this Act, be deemed to be his residence.

(*4*) When a person has several places of residence in the territories subject to a single Local Government, that Government may declare which of those places shall, for the purposes of this Act, be deemed to be his residence.

(*5*) The powers given by this section may be delegated to, and exercised by, such officers as the Governor General in Council or the Local Government,[1] as the case may be, appoints in this behalf.

Saving in favour of payers of capitation taxes.

48. Where a person is in respect of any period liable to the tax under this Act, he shall not in respect of that period be assessed * * * *[2] to the capitation-tax, or the land-rate in lieu thereof, levied in British Burma[3] under the Burma Land and Revenue Act, 1876.[4] II of 1876.

Indemnity.

49. Every person deducting, retaining or paying any tax in pursuance of this Act or of any arrangement under section 9, sub-section (*2*), in respect of income belonging to another person, is hereby indemnified for the deduction, retention or payment thereof.

Powers exerciseable from time to time.

50. All powers conferred by, or conferrable under, this Act may be exercised from time to time as occasion requires.

THE FIRST SCHEDULE.

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[1] For notification issued by the Government of Bombay under section 47, *see* Bombay List of Local Rules and Orders, Ed. 1896, Vol. I, p. 464.

For notification by the Government of Burma delegating to the Financial Commissioner the powers conferred on the Local Government by sub-sections (*2*) and (*4*), *see* Burma Gazette, 1888, Pt. I, p. 259.

[2] The words "to the pandhari-tax levied in the Central Provinces under Act XIV of 1867 or" were repealed by Act VI of 1902.

[3] This reference to British Burma should now be read as referring to Lower Burma,—*see* the Burma Laws Act, 1898 (XIII of 1898), s. 7, Burma Code, p. 260.

[4] Burma Code, p. 9.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

(*See section 2.*)

ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. II of 1878 .	The Northern India License Act, 1878 .	So much as has not been repealed.
Act No. VI of 1880 .	The Indian License Acts Amendment Act, 1880.	The whole.

ACTS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. III of 1878 .	The Madras License Act, 1878 . .	So much as has not been repealed.
Act No. III of 1880 .	An Act to amend Madras Act III of 1878, as amended by Act VI of 1880.	The whole.

ACT OF THE GOVERNOR OF BOMBAY IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. III of 1878 .	The Bombay License Act, 1878 . .	So much as has not been repealed.

ACT OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. II of 1880 .	The Bengal License Act, 1880 .	The whole.

THE SECOND SCHEDULE.

THE SECOND SCHEDULE.

SOURCES OF INCOME AND RATES OF TAX.

(*See section 4.*)

FIRST COLUMN.	SECOND COLUMN.
Source of Income.	Rate of Tax.
PART I.	
SALARIES AND PENSIONS.	
1. Any salary, annuity, pension or gratuity paid in British India to or on behalf of any person residing in British India or serving on board a ship plying to or from British Indian ports, whether on account of himself or another person. 2. Any salary, annuity, pension or gratuity paid by the Government, or by a local authority established in the exercise of the powers of the Governor General in Council in that behalf, to or on behalf of a British subject within the dominions of a Prince or State in India in alliance with Her Majesty.	(*a*) If the income amounts to Rs. 2,000 per annum or Rs. 166-10-8 per mensem, or upwards—five pies in the rupee. (*b*) If the income is less than Rs. 2,000 per annum or Rs. 166-10-8 per mensem—four pies in the rupee.
PART II.	
PROFITS OF COMPANIES.	
Profits of a company	Five pies in the rupee on the whole of the nett profits made in British India by the company during the year ending on the day on which the company's accounts have been last made up, or, if the company's accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then on the whole of the nett profits so made during the year ending on the said thirty-first day of March.

PART III.

THE SECOND SCHEDULE—*continued.*

FIRST COLUMN.	SECOND COLUMN.
Source of Income.	Rate of Tax.
PART III.	
INTEREST ON SECURITIES.	
Interest becoming due on or after the first day of April, 1886, and payable in British India, on— (*a*) promissory notes, debentures, stock or other securities of the Government of India (including securities of the Government of India whereon interest is payable out of British India by draft on any place in British India), or (*b*) [*Repealed by Act XII of 1891.*] (*c*) debentures or other securities for money issued by or on behalf of a local authority or company.	Five pies in the rupee on such interest, unless the owner of the security produces a certificate signed by the Collector that his annual income from all sources is less than Rs. [1,000][1], in which case no deduction shall be made from the interest, or unless he produces a like certificate that his income from all sources is less than Rs. 2,000, in which case the rate shall be four pies in the rupee.
PART IV.	
OTHER SOURCES OF INCOME.	
Any source of income not included in Part I, Part II or Part III of this schedule.	[2][(*a*) If the annual income is assessed at— not less than Rs. 1,000 but less than Rs. 1,250 the tax shall be Rs. 20 " " " 1,250 " " 1,500 " " 28 " " " 1,500 " " 1,750 " " 35 " " " 1,750 " " 2,000 " " 42] (*b*) If the annual income is assessed at Rs. 2,000 or upwards—five pies in the rupee on the income.

THE THIRD SCHEDULE.

[1] Substituted for "500" by the Income-tax (Amendment) Act, 1903 (XI of 1903), s. 2 (3).
[2] Sub-head (*a*) was substituted by the Income-tax (Amendment) Act, 1903 (II of 1903), s. 2 (4).

THE THIRD SCHEDULE.

FORM OF PETITION.

(*See section 25.*)

TO THE COLLECTOR OF

The *day of* *188*

The petition of *A. B.* of

SHEWETH as follows—

1.—Under Act No. II of 1886, your petitioner has been assessed in the sum of
rupees for the year commencing the first day of April, 188 .

2.—Your petitioner's income and profits accruing and arising from [*here specify petitioner's trade or other source or sources of income or profits, and the place or places at which such income or profits accrue or arise*] for the year ending the
day of last were rupees
[as will appear from the documents of which a list is presented herewith*].

3.—Such income and profits actually accrued and arose during a period of months and
days [*here state the exact number of months and days on which the income and profits accrued and arose*].

4.—During the said year your petitioner had no other income or profits.

Your petitioner therefore prays that he may be assessed accordingly [*or* that he may be declared not to be chargeable under the said Act].

(Signed) *A. B.*

Form of Verification.

I, *A. B.*, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

(Signed) *A. B.*

---

* *These words are to be inserted if the petitioner relies on documents. The list, if the petitioner so wishes, may be presented in a sealed envelope.*

Government of India Central Printing Office.—No. 53 L. D.—25-5-1908.—5,5000.—. P. M. M.

FOREST OFFICE
No 972
DHARWAR

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

THE PROVIDENT FUNDS ACT, 1897

(IX OF 1897)

AS MODIFIED UP TO 1ST APRIL, 1903.

CALCUTTA:
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1903.

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STATEMENT OF REPEALS AND AMENDMENTS.

S. 1 (2) PARTLY REPEALED BY	ACT XIII OF 1898, s. 18.
S. 4 SUBSTITUTED BY	ACT IV OF 1903, s. 2.

ACT No. IX of 1897.[1]

[*11th March, 1897.*]

An Act to amend the law relating to Government and other Provident Funds.

[As modified up to the 1st April 1903.]

WHEREAS it is expedient to amend the law relating to Government and other Provident Funds; It is hereby enacted as follows:—

Title, extent and commencement.

1. (*1*) This Act may be called the Provident Funds Act, 1897.

(*2*) It extends to the whole of British India, including * *[2] British Baluchistan; and

(*3*) It shall come into force at once.

Definitions.

2. In this Act—

(*1*) "Provident Fund" means a fund in which the subscriptions or deposits of any class or classes of employees are received and held on their individual accounts, and includes any contributions, credited in respect of, and any interest accruing on, such subscriptions or deposits under the rules of the Fund:

(*2*) "Government Provident Fund" means a Provident Fund constituted by the authority of the Government for any class or classes of its employees:

(*3*) "Railway Provident Fund" means a Provident Fund constituted by the authority of the Government of India, or of any company which administers a railway

[1] For Statement of Objects and Reasons, *see* Gazette of India, 1896, Pt. V, p. 254; for Report of the Select Committee, *see ibid*, 1897, Pt. V, p. 74; and for Proceedings in Council, *see ibid*, Pt. VI, p. 241, and *ibid*, 1897, Pt. VI, pp. 2, 56 and 74.

[2] The words "Upper Burma and" were repealed and the Act at the same time declared to be in force in Upper Burma (except the Shan States) by the Burma Laws Act, 1898 (XIII of 1898)—*see* the Fifth and First Schedules, respectively, printed Burma Code, Ed. 1899.

a railway or tramway in British India, either under a special Act of Parliament or under contract with the Secretary of State in Council or the Government of India, for any class or classes of the employees on, or in connection with, such railway or tramway: and

(*4*) "compulsory deposit" means a subscription or deposit which is not repayable on the demand, or at the option, of the subscriber or depositor, and includes any contribution which may have been credited in respect of, and any interest or increment which may have accrued on, such subscription or deposit under the rules of the Fund.

Payment from Government or Railway Provident Fund on death of subscriber or depositor.

3. (*1*) When a subscriber to, or depositor in, any Government or Railway Provident Fund dies, and the sum standing to his credit in the books of the Fund does not exceed two thousand rupees, the officer or person whose duty it is to make payment of such sum may pay it as follows:—

(*a*) he may pay it to any person entitled to receive it according to the rules of the Fund or, in the absence of any rule of the Fund to the contrary, to any person nominated in writing by the deceased subscriber or depositor to receive it;

(*b*) in any case not hereinbefore provided for, he may pay it to any person appearing to him to be entitled to receive it.

(*2*) The provisions of sub-section (*1*) shall apply to any such sum which at the commencement of this Act stands to the credit of any subscriber or depositor already deceased.

(*3*) Nothing in this section shall affect the validity of the rules of any Fund in so far as such rules may provide for the disposal of sums exceeding two thousand rupees.

Protection to deposits and other sums in certain cases.

[1] 4. (*1*) Compulsory deposits in any Government or Railway Provident Fund shall not be liable to any attachment under any decree or order of a Court of Justice in respect of any debt or liability incurred by a subscriber

[1] This section was substituted for the original section by the Provident Funds (Amendment) Act, 1903 (IV of 1903), s. 2.

subscriber to, or depositor in, any such Fund, and neither the Official Assignee nor a Receiver appointed under Chapter XX of the Code of Civil Procedure [1] shall be entitled to, or have any claim on, any such compulsory deposit.

XIV of 1882.

(*2*) Any sum standing to the credit of any subscriber to, or depositor in, any such Fund at the time of his decease and payable under the rules of the Fund or under this Act, to the widow or the children, or partly to the widow and partly to the children, of the subscriber or depositor, or to such person as may be authorized by law to receive payment on her or their behalf, shall vest in the widow or the children, or partly in the widow and partly in the children, as the case may be, free from any debt or other liability incurred by the deceased, or incurred by the widow or by the children, or by any one or more of them, before the death of such subscriber or depositor.

(*3*) Nothing in sub-section (*2*) shall apply in the case of any such subscriber or depositor as aforesaid dying before the thirteenth day of March 1903.

Protection for anything done in good faith under this Act.

5. No suit or other legal proceeding shall lie against any person in respect of anything done or in good faith intended to be done in pursuance of the provisions of this Act.

Power to extend Act to other Provident Funds.

6. The Governor General in Council may, in his discretion, by notification in the official Gazette, extend the provisions of this Act to any Provident Fund [2] established for the benefit of its employees by any local authority within the meaning of the Local Authorities Loan Act, 1879.[3]

XI of 1879.

Saving as to estates of soldiers.

7. Nothing in section 3 shall apply to money belonging to the estate of any European officer, non-commissioned officer or soldier dying in Her Majesty's service in India, or of any European who at the time of his death was a deserter from such service.

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[1] *See* now the Code as modified up to 1st December, 1899.

[2] The provisions of the Act have, under this power, been extended to the Provident Fund of the Bombay Port Trust and to that established by the Calcutta Corporation—*see* Gazette of India, 1898, Pt. I, p. 68, and *ibid*, 1902, Pt. I, 509.

[3] General Acts, Vol. III.

Government of India Central Printing Office,—No. 6 L. D.—6-5-1903.—5,600—H. D. R.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

THE INDIAN FOREST ACT, 1878

(VII OF 1878,)

AS MODIFIED UP TO THE 1ST DECEMBER, 1903.

CALCUTTA:
OFFICE OF THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA
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STATEMENT OF REPEALS AND AMENDMENTS.

SECTION 2 AMENDED	ACT V OF 1890, s. 2.
SECTION 4 DO.	Ditto, s. 3.
SECTION 5 DO.	Ditto, s. 4.
SECTION 6 DO.	Ditto, s. 5.
SECTION 25 DO.	Ditto, s. 7.
SECTION 32 DO.	ACT V OF 1901, s. 2.
SECTION 33 DO.	Ditto, s. 3.
HEADING TO CHAP. VII AMENDED	ACT V OF 1890, s. 8 (*1*).
SECTION 39 AMENDED	Ditto, s. 8 (*2*).
SECTION 41 DO.	Ditto, s. 8 (*3*) and (*4*).
SECTION 41 (*e*) DO.	ACT XII OF 1891, SCH. II.
SECTION 47 DO.	ACT V OF 1890, s. 9.
SECTION 48 DO.	Ditto, s. 10.
SECTION 56 DO.	Ditto, s. 11.
SECTION 63 DO.	Ditto, s. 12.
SECTION 78 DO.	ACT V OF 1901, s. 4.
SECTION 84 ADDED	ACT V OF 1890, s. 14.
SECTION 9A INSERTED	Ditto, s. 6.
NEW SECTION 67 SUBSTITUTED	Ditto, s. 13.
SECTION 25 (*i*) AND SECTION 31 (*j*) REPEALED IN PART, LOCALLY	ACT VI OF 1879, s. 2.

The following changes have been made in reprinting :—

(1) amendments have been inserted in their proper places, with explanatory foot notes:

(2) references to repealed Acts have not been altered, but footnotes have been inserted directing attention to the Act now in force :

(3) the number and year of Acts referred to in the text have been noted in the inner margin :

(4) section-numbers occurring in the text have been printed in figures instead of in words :

(5) sections have sometimes been divided into paragraphs :

(6) the headings to the pages have been amplified :

(7) some other footnotes have been inserted for convenience of reference.

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SCHEDULE.—ENACTMENTS REPEALED.

ACT No. VII OF 1878.[1]

[*8th March, 1878.*]

An Act to amend the law relating to forests, the transit of forest-produce and the duty leviable on timber.

[As modified up to the 1st December, 1903.]

WHEREAS it is expedient to amend the law relating to forests, the transit of forest-produce and the duty leviable on timber; It is hereby enacted as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called the Indian Forest Act, 1878. Short title.

It shall come into force at once in the territories respectively administered by the Governor of Bombay in Council, the Lieutenant-Governors of the Lower Provinces, the North-Western Provinces, and the Punjab (except the district of Hazara),[2] and the Chief Commencement.

[1] For Statement of Objects and Reasons, *see* Gazette of India, 1877, Pt. V, p. 11; for the first Report of the Select Committee, *see ibid*, Pt. V, p. 400; for Proceedings in Council, *see ibid*, Supplement, pp. 86, 121, 2744, and *ibid*, 1878, pp. 326 and 437.

Act VII of 1878 has been declared in force in the Sonthal Parganas by Reg. III of 1872, s. 3, as amended by the Sonthal Parganas Justice and Laws Regulation, 1899 (III of 1899) [for Reg. III of 1872, *see* Bengal Code]; in Angul and the Khondmals by the Angul District Regulation, 1894 (Reg. I of 1894), s. 3; and in the Chittagong Hill Tracts by the Chittagong Hill Tracts Regulation, 1900 (I of 1900).

The Act has been declared, by notification under s. 3 (*a*) of the Scheduled Districts Act, 1874 (XIV of 1874), to be in force in the following Scheduled Districts, in the Chota Nagpore Division, namely: the Districts of Hazáribágh, Lohárdaga and Mánbhum and Pargana Dhalbhum and the Kolhan in the District of Singbhum—*see* Gazette of India, 1881, Pt. I, p. 504. The District of Lohárdaga included at that time the present District of Palamau, separated in 1894. It is now called the Ranchi District; *see* Calcutta Gazette, 1899, Pt. I, p. 44.

[2] For the forest law in force in the Hazara District, *see* the Hazara Forest Regulation, 1893 (VI of 1893). Printed, Punjab Code, Ed. 1903, p. 434.

Chief Commissioners of Oudh, the Central Provinces and Assam.[1]

Extension.

And any other Local Government may from time to time, with the previous sanction of the Governor General in Council, extend,[2] by notification in the local official Gazette, this Act to all or any of the territories for the time being under its administration.

Repeal of enactments.

On and from the date on which this Act comes into force in any of the said territories, the enactments mentioned in the schedule hereto annexed shall be repealed in such territories. But all rules made under or validated by any of the said enactments and in force at the date of such repeal shall, so far as they are consistent with this Act, be deemed to have been made and published hereunder.

Interpretation-clause.

2. In this Act, unless there be something repugnant in the subject or context,—

"Forest-officer" means any person whom the Governor General in Council, or the Local Government or any officer empowered by the Governor General in Council or the Local Government in this [3] behalf, may from time to time appoint by name, or as holding an office, to carry out all or any of the purposes

[1] Act VII of 1878 was repealed in Assam from the 1st April, 1892 —*see* the Assam Forest Regulation, 1891 (VII of 1891), ss. 1 (*3*) and 2 (*1*), printed, Assam Code, Ed. 1897, p. 298.

[2] Act VII of 1878 has been extended under this power to the Province of Coorg—*see* Coorg District Gazette, 1887, Pt. I, p. 640.

For Madras, Ajmere-Merwara, Burma, British Baluchistan and Assam there are special forest laws—*see* Madras Forest Act, 1882 (V of 1882), printed, Madras Code, Ed. 1902, p. 373; the Ajmere Forest Regulation, 1874 (VI of 1874), printed, Ajmere Code, Ed. 1893, p. 140; the Burma Forest Act, 1902 (IV of 1902), the British Baluchistan Forest Regulation, 1890 (V of 1890), printed, Baluchistan Code, Ed. 1900, p. 67; the Assam Forest Regulation, 1891 (VII of 1891), printed, Assam Code, Ed. 1887, p. 298.

In the Punjab, the Land Preservation (Chos) Act, 1900 (Punjab Act II of 1900), is to be read with and taken as part of this Act, *see* Punjab Code, Ed. 1903, pp. 492 and 500. For rules for the conservancy of forests and jungles in the hill districts of the Punjab territories, *see* Appendix to Punjab Code, p. 589. These rules are also in force in the North-West Frontier Province, *see* s. 4 and second schedule to Reg. VII of 1901, Punjab Code, pp. 551 and 582.

[3] For notification appointing Forest-officers for the Sonthal Parganas and empowering them to compound for offences mentioned in s. 67 within certain specified areas, *see* Calcutta Gazette, 1901, Pt. I, p. 28.

purposes of this Act, or to do anything required by this Act or any rule made under this Act to be done by a Forest-officer:

[1] "tree" includes palms, bamboos, stumps, brushwood and canes:

[2] "timber" includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned or hollowed out for any purpose or not:

[2] "forest-produce" includes—

(*a*) the following, whether found in, or brought from, a forest or not, that is to say:—
timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, bark, lac, mahua flowers and myrabolams, and

(*b*) the following when found in, or brought from, a forest, that is to say:—

(i) trees and leaves, flowers and fruits, and all other parts or produce not hereinbefore mentioned of trees,

(ii) plants not being trees (including grass, creepers, reeds and moss), and all parts or produce of such plants,

(iii) wild animals and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts or produce of animals, and

(*iv*) peat, surface soil, rock and minerals (including limestone, laterite, mineral oils, and all products of mines or quarries):

"forest-offence" means an offence punishable under this Act, or under any rule made under this Act:

"cattle"

[1] This definition of "tree" was substituted for the original by the Forest Act, 1890 (V of 1890), s. 2 (*1*). The original clause only referred to bamboos, stumps and brushwood.

[2] These definitions of "timber" and "forest-produce" were substituted for the original definitions by the Forest Act, 1890 (V of 1890), s. 2 (*2*) and (*3*), respectively. For Act V, *see* General Acts, Vol. V, Ed. 1898.

[1] "cattle" includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids:

"river" includes streams, canals, creeks and other channels, natural or artificial.

CHAPTER II.

OF RESERVED FORESTS.[2]

Power to reserve forests.

3. The Local Government may from time to time constitute any forest-land or waste-land which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled, a reserved forest in the manner hereinafter provided.

Notification by Local Government.

4. Whenever it is proposed to constitute any land a reserved forest, the Local Government may publish a notification in the local official Gazette—

(*a*) declaring that it is proposed to constitute such land a reserved forest;

[3](*b*) specifying, as nearly as possible, the situation and limits of such land; and

(*c*) appointing an officer (hereinafter called "the Forest-settlement-officer") to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised

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[1] *See* similar definition in Cattle-trespass Act, 1871 (I of 1871), General Acts, Vol. II.

[2] As to the application of provisions relating to reserved forests (1), to village-forests, *see* s. 27, last paragraph; (2) to forests, and lands not the property of the Government, *see* ss. 36, 38; (3) to forests, waste-lands or produce the joint property of the Government and other persons, *see* s. 79, *infra*.

[3] This clause was substituted for the original cl. (*b*) by the Forest Act, 1890 (V of 1890), s. 3. Printed, General Acts, Vol. V. The original clause ran as follows:—"(*b*) specifying the limits of such forest; and"

comprised within such limits, or in or over any forest-produce, and to deal with the same as provided in this Chapter.

Explanation.—For the purpose of clause (*b*) of this section, it shall be sufficient to describe the limits of the forest by roads, rivers, ridges or other well-known or readily intelligible boundaries.

The officer appointed under clause (*c*) of this section shall ordinarily be a person not holding any forest-office except that of Forest-settlement-officer.

Nothing in this section shall prevent the Local Government from appointing any number of officers not exceeding three, not more than one of whom shall be a person holding any forest-office except as aforesaid, to perform the duties of a Forest-settlement-officer under this Act.

Bar of accrual of forest-rights.

5. During the interval between the publication of such notification and the date fixed by the notification under section 19, no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by or on behalf of Government or some person in whom such right was vested when the former notification was issued; and no fresh clearings for cultivation or for any other purpose shall be made in such land [[1] except in accordance with rules prescribed by the Local Government].

Proclamation by Forest-settlement-officer.

6. When a notification has been issued under section 4, the Forest-settlement-officer shall publish in the language of the country, in every town and village in the neighbourhood of the land comprised therein, a proclamation—

[2](*a*) specifying, as nearly as possible, the situation and limits of the proposed forest;

(*b*) explaining

[1] These words were added by the Forest Act, 1890 (V of 1890), s. 4. Printed, General Acts, Vol. V.

[2] This clause was substituted for the original cl. (*a*) by Act V of 1890, s. 5. The clause ran :—"(*a*) specifying the limits of the proposed forest."

(*b*) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and

(*c*) fixing a period of not less than three months from the date of such proclamation, and requiring every person claiming any right mentioned in section 4 or 5 either to present to such officer within such period a written notice specifying, or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

Inquiry by Forest-settlement-officer.

7. The Forest-settlement-officer shall take down in writing all statements made under section 6, and shall, at some convenient place, inquire into all claims duly preferred under that section, and the existence of any rights mentioned in section 4 or 5 and not claimed under section 6 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

Powers of Forest-settlement-officer.

8. For the purpose of such inquiry, the Forest-settlement-officer may exercise the following powers, that is to say:—

(*a*) power to enter, by himself or any officer authorized by him for the purpose, upon any land, and to survey, demarcate and make a map of the same; and

(*b*) the powers of a Civil Court in the trial of suits.

Extinction of rights.

9. Rights in respect of which no claim has been preferred under section 6, and of the existence of which no knowledge has been acquired by inquiry under section 7, shall be extinguished, unless, before the notification under section 19 is published, the person claiming them satisfies the Forest-settlement-officer that he had sufficient cause for not preferring such claim within the period fixed under section 6.

9A. (*1*) In

[1] **9A.** (*1*) In the case of a claim relating to the practice of shifting cultivation, the Forest-settlement-officer shall record a statement setting forth the particulars of the claim and of any local rule or order under which the practice is allowed or regulated, and submit the statement to the Local Government, together with his opinion as to whether the practice should be permitted or prohibited wholly or in part.

Treatment of claims relating to practice of shifting cultivation.

(*2*) On receipt of the statement and opinion the Local Government may make an order permitting or prohibiting the practice wholly or in part.

(*3*) If such practice is permitted wholly or in part, the Forest-settlement-officer may arrange for its exercise—

(*a*) by altering the limits of the land under settlement so as to exclude land of sufficient extent, of a suitable kind, and in a locality reasonably convenient for the purposes of the claimants, or

(*b*) by causing certain portions of the land under settlement to be separately demarcated, and giving permission to the claimants to practise shifting cultivation therein under such conditions as he may prescribe.

All arrangements made under this sub-section shall be subject to the previous sanction of the Local Government.

(*4*) The practice of shifting cultivation shall in all cases be deemed a privilege subject to control, restriction and abolition by the Local Government.

10. In the case of a claim to a right in or over any land, other than a right of way or pasture, or to forest-produce or a water-course, the Forest-settlement-officer shall pass an order admitting or rejecting the same in whole or in part.

Power to acquire land over which right is claimed.

If

[1] S. 9A was inserted by Act V of 1890, s. 6, printed, General Acts, Vol. V.

If such claim is admitted in whole or in part, the Forest-settlement-officer shall either (1) exclude such land from the limits of the proposed forest; or (2) come to an agreement with the owner thereof for the surrender of his rights; or (3) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1870.[1] I of 1870.

For the purpose of so acquiring such land—

(*a*) the Forest-settlement-officer shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1870[1];

(*b*) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act[2];

(*c*) the provisions of the preceding sections of that Act shall be deemed to have been complied with; and

(*d*) the Collector, with the consent of the claimant, or the Court, with the consent of both parties, may award compensation in land, or partly in land and partly in money.

Order on claims to rights of pasture or to forest-produce.

11. In the case of a claim to rights of pasture or to forest-produce, the Forest-settlement-officer shall pass an order admitting or rejecting the same in whole or in part.

Record to be made by Forest-settlement-officer.

12. The Forest-settlement-officer, when passing any order under section 11, shall record, so far as may be practicable,—

(*a*) the name, father's name, caste, residence and occupation of the person claiming the right;

(*b*) the designation, position and area of all fields or groups of fields (if any), and the designation and position of all buildings (if any) in

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[1] *See* now the Land Acquisition Act, 1894 (I of 1894), General Acts, Vol. VI.

[2] This reference to s. 9 of Act X of 1870 should now be read as referring to s. 9 of Act I of 1894—*see* s. 2 of the latter Act.

in respect of which the exercise of such rights is claimed.

Record where he admits claim.

13. If the Forest-settlement-officer admits in whole or in part any claim under section 11, he shall also record the extent to which the claim is so admitted, specifying the number and description of the cattle which the claimant is from time to time entitled to graze in the forest, the season during which such pasture is permitted, the quantity of timber and other forest-produce which he is from time to time authorized to take or receive, or such other particulars as the case may require. He shall also record whether the timber or other forest-produce obtained by the exercise of the rights claimed may be sold or bartered.

Exercise of rights admitted.

14. After making such record, the Forest-settlement-officer shall, to the best of his ability, and having due regard to the maintenance of the reserved forest in respect of which the claim is made, pass such orders as will ensure the continued exercise of the rights so admitted. For this purpose the Forest-settlement-officer may—

(*a*) set out some other forest-tract of sufficient extent, and in a locality reasonably convenient, for the purposes of such claimants, and record an order conferring upon them a right of pasture or to forest-produce (as the case may be) to the extent so admitted; or

(*b*) so alter the limits of the proposed forest as to exclude forest-land of sufficient extent, and in a locality reasonably convenient, for the purposes of the claimants; or

(*c*) record an order, continuing to such claimants a right of pasture or to forest-produce (as the case may be) to the extent so admitted, at such seasons, within such portions of the proposed forest and under such rules, as may from time to time be prescribed by the Local Government.

15. In

Commutation of rights.

15. In case the Forest-settlement-officer finds it impossible, having due regard to the maintenance of the reserved forest, to make such settlement under section 14 as shall ensure the continued exercise of the said rights to the extent so admitted, he shall (subject to such rules as the Local Government may from time to time prescribe in this behalf) commute such rights, either by the payment to such persons of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he thinks fit.

Appeal from order passed under section 10, 11, 14 or 15.

16. Any person who has made a claim under this Act, or any Forest-officer or other person generally or specially empowered by the Local Government in this behalf, may, within three months from the date of the order passed on such claim by the Forest-settlement-officer under section 10, 11, 14 or 15, present an appeal from such order to such officer of the Revenue Department, of rank not lower than that of a Collector or Deputy Commissioner, as the Local Government may from time to time, by notification in the local official Gazette, appoint by name, or as holding an office, to hear appeals from such orders:

Provided that, if the Local Government establishes (as it is hereby empowered to do) a Court (hereinafter called the Forest Court) composed of three persons to be appointed by the Local Government, such appeals shall be presented to such Court.

Appeal under section 16.

17. Every appeal under section 16 shall be made by petition in writing, and may be delivered to the Forest-settlement-officer, who shall forward it without delay to the authority competent to hear the same.

If the appeal be to an officer appointed under section 16, it shall be heard in the manner prescribed for the time being for the hearing of appeals in matters relating to land-revenue.

If the appeal be to the Forest Court, the Court shall fix a day and a convenient place in the neighbourhood of the proposed forest for hearing the appeal,

and

and shall give notice thereof to the parties, and shall hear such appeal accordingly.

The order passed thereon by such officer or Court, or by the majority of the members of such Court, shall be final, subject to revision by the Local Government.

Pleaders.

18. The Local Government, or any person who has made a claim under this Act, may appoint any person to appear, plead and act on its or his behalf before the Forest-settlement-officer, or the appellate officer or Court, in the course of any inquiry or appeal under this Act.

Notification declaring forest reserved.

19. When the following events have occurred (namely):—

(*a*) the period fixed under section 6 for preferring claims has elapsed, and all claims (if any) made within such period have been disposed of by the Forest-settlement-officer; and

(*b*) if such claims have been made, and the period limited by section 16 for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed of by the appellate officer or Court; and

(*c*) all lands (if any) to be included in the proposed forest, which the Forest-settlement-officer has, under section 10, elected to acquire under the Land Acquisition Act, 1870,[1] have become vested in the Government under section 16 of that Act,

I of 1870.

the Local Government may publish a notification in the local official Gazette, specifying definitely, according to boundary-marks erected or otherwise, the limits of the forest which it is intended to reserve, and declaring the same to be reserved from a date fixed by such notification.

From

[1] *Read now* the Land Acquisition Act, 1894 (I of 1894), s. 2, printed, General Acts, Vol. VI.

From the date so fixed such forest shall be deemed to be a reserved forest.

Publication of translation of such notification in neighbourhood of forest.

20. The Forest-officer shall, before the date fixed by such notification, cause a translation thereof into the language of the country to be published in every town and village in the neighbourhood of the forest.

Power to revise arrangement made under section 14 or 17.

21. The Local Government may, within five years from the publication of any notification under section 19, revise any arrangement made under section 14 or 17, and may, for this purpose, rescind or modify any order made under section 14 or 17, and direct that any one of the proceedings specified in section 14 be taken in lieu of any other of such proceedings, or that the rights admitted under section 11 be commuted under section 15.

No right acquired over reserved forest, except as here provided.

22. No right of any description shall be acquired in or over a reserved forest, except by succession or under a grant or contract in writing made by or on behalf of the Government or of some person in whom such right was vested when the notification under section 19 was issued.

Rights not to be alienated without sanction.

23. Notwithstanding anything contained in section 22, no right continued under section 14, clause (*c*), shall be alienated by way of grant, sale, lease, mortgage or otherwise, without the sanction of the Local Government:

Provided that, when any such right is appendant to any land or house, it may be sold or otherwise alienated with such land or house.

No timber or other forest-produce obtained in exercise of any such right shall be sold or bartered except to such extent as may have been admitted in the order recorded under section 13.

Power to stop ways and water-courses in reserved forests.

24. The Forest-officer may from time to time, with the previous sanction of the Local Government or of any officer duly authorized in that behalf, stop any public or private way or water-course in a reserved forest:

Provided

Provided that a substitute for the way or water-course so stopped, which the Local Government deems to be reasonably convenient, already exists, or has been provided or constructed by the Forest-officer in lieu thereof.

Acts prohibited in such forests.

25. Any person who—

(*a*) makes any fresh clearing prohibited by section 5, or

[1][(*b*) sets fire to a reserved forest, or, in contravention of any rules[2] made by the Local Government, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest;]

or who, in a reserved forest,—

(*c*) kindles, keeps or carries any fire except at such seasons as the Forest-officer may from time to time notify in this behalf;

(*d*) trespasses or pastures cattle, or permits cattle to trespass;

(*e*) causes any damage by negligence in felling any tree or cutting or dragging any timber;

(*f*) fells, girdles, lops, taps or burns any tree, or strips off the bark or leaves from, or otherwise damages, the same;

(*g*) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes, any forest-produce;

(*h*) clears or breaks up any land for cultivation or any other purpose; or,

(*i*) in

[1] This clause was substituted for the original cl. (*b*) by the Forest Act, 1890 (V of 1890), s. 7. For Act V, *see* General Acts, Vol. V.

[2] For rules made under this clause for—

(1) Bombay, *see* pp. 166 and 167 of the Bombay List of Local Rules and Orders, Ed. 1896;

(2) Central Provinces, *see* p. 25 of the Central Provinces List of Local Rules and Orders, Ed. 1896; and

(3) United Provinces, *see* p. 59 of the North-Western Provinces and Oudh List of Local Rules and Orders, Ed. 1894.

[1] (*i*) in contravention of any rules which the Local Government may from time to time prescribe, [[2] kills or catches elephants,] hunts, shoots, fishes, poisons water or sets traps or snares,

shall be punished with imprisonment for a term which may extend to six months, or with fine not exceeding five hundred rupees, or with both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.

Nothing in this section shall be deemed to prohibit (*a*) any act done by permission in writing of the Forest-officer, or under any rule made by the Local Government; or (*b*) the exercise of any right continued under section 14, clause (*c*), or created by grant or contract in writing made by or on behalf of Government under section 22.

Whenever fire is caused wilfully or by gross negligence in a reserved forest, the Local Government may (notwithstanding that any penalty has been inflicted under this section) direct that in such forest or any portion thereof the exercise of all rights of pasture or to forest-produce shall be suspended for such period as it thinks fit.

Power to declare forest no longer reserved.

26. The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, direct that, from a date fixed by such notification, any forest or any portion thereof reserved under this Act shall cease to be a reserved forest.

From the date so fixed, such forest or portion shall cease to be reserved; but the rights (if any) which

[1] For notification prohibiting the killing, injuring or capturing of any rhinoceri in reserved forests in the Jalpaiguri and Darjiling Districts, *see* Calcutta Gazette, 1899, Pt. I, p. 1368.

For rules under this clause in conjunction with s. 75 (*d*) as to hunting, shooting, fishing, etc., in reserved forests in the United Provinces, *see* N.-W. P. and Oudh Gazette, 1900, Pt. I, p. 491; *ibid*, for Central Provinces, *see* C. P. Gazette, 1902, Pt. III, p. 334.

[2] These words are repealed in the United Provinces, the Central Provinces and Coorg, and in local areas to which the Elephants Preservation Act, 1879 (VI of 1879), is extended—*see* s. 2, General Acts, Vol. III.

which have been extinguished therein shall not revive in consequence of such cessation.

CHAPTER III.

Of Village-forests.

Formation of village-forests.

27. The Local Government may from time to time assign to any village-community the rights of Government to or over any land which has been constituted a reserved forest, and may cancel such assignment. All forests so assigned shall be called village-forests.

The Local Government may from time to time make rules for regulating the management of village-forests, prescribing the conditions under which the community to which any such assignment is made may be provided with timber or other forest-produce or pasture, and their duties for the protection and improvement of such forest.

All provisions of this Act relating to reserved forests shall (so far as they are consistent with the rules so made) apply to village-forests.

CHAPTER IV.

Of Protected Forests.[1]

"Protected forests."

28. The Local Government may from time to time, by notification in the local official Gazette, declare the provisions of this Chapter applicable to any forest-land or waste-land which is not included in a reserved forest, but which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled.

The

[1] As to the application of provisions relating to protected forests (1) to land not the property of the Government, *see* s. 38; (2) to forests, waste-land or produce the joint property of the Government and other persons, *see* s. 79, *infra*.

The forest-land and waste-lands comprised in any such notification shall be called a "protected forest."

No such notification shall be made unless the nature and extent of the rights of Government and of private persons in or over the forest-land or waste-land comprised therein have been inquired into and recorded at a survey or settlement, or in such other manner as the Local Government thinks sufficient.

Every such record shall be presumed to be correct until the contrary is proved:

Provided that, if in the case of any forest-land or waste-land, the Local Government thinks that such inquiry and record are necessary, but that they will occupy such length of time as that the rights of Government will in the meantime be endangered, the Local Government may (pending such inquiry and record) declare such land to be a protected forest, but so as not to abridge or affect any existing rights of individuals or communities.

Power to issue notification—reserving trees,

29. The Local Government may from time to time, by notification in the local official Gazette,—

(*a*) declare any class of trees in a protected forest, or any trees in any such forest, to be reserved from a date fixed by such notification;

closing forest.

(*b*) declare that a portion of such forest be closed for such term, not exceeding twenty years, as the Local Government thinks fit, and that the rights of private persons (if any) over such portion shall be suspended during such term: Provided that the remainder of such forest be sufficient, and in a locality reasonably convenient, for the due exercise of the rights suspended in the portion so closed;

prohibiting collection of forest-produce, etc.,

(*c*) prohibit, from a date fixed as aforesaid, the quarrying of stone, or the burning of lime or charcoal, or the collection or subjection to any manufacturing process, or removal, of

of any forest-produce, in any such forest, and the breaking up or clearing for cultivation, for building, for herding cattle or for any other purpose, any land in any such forest; and

and breaking up or clearing of land.

(*d*) alter or cancel such declaration or prohibition.

30. The Collector or Deputy Commissioner of the district shall cause a translation into the language of the district, of every notification issued under section 29, to be affixed in a conspicuous place in every town and village in the neighbourhood of the forest comprised in the notification.

Publication of translation of such notification in neighbourhood.

[1] **31.** The Local Government may from time to time make rules to regulate the following matters :—

Power to make rules for protected forests.

(*a*) the cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest-produce, from protected forests;

(*b*) the granting of licenses to the inhabitants of towns and villages in the vicinity of protected forests to take trees, timber or other forest-produce for their own use, and the production and return of such licenses by such persons;

(*c*) the granting of licenses to persons felling or removing trees or timber or other forest-produce from such forests for the purposes of trade, and the production and return of such licenses by such persons;

(*d*) the

[1] For rules under this section for—
(1) Bombay, *see* pp. 167, 171 and 174 of the Bombay List of Local Rules and Orders, Ed. 1896;
(2) for protected Forests of Naini Tal, Ranikhet and Lalitpur, *see* p. 62 of the North-Western Provinces and Oudh List of Local Rules and Orders, Ed. 1894;
(3) for rules made by the Government of Bengal under this section and s. 41 for the protected forests in the Sonthal Parganas, *see* Calcutta Gazette, 1901, Pt. I, p. 571; in the Sunderbans, *see* Calcutta Gazette, 1892, Pt. I, p. 403; *ibid* 1900, Pt. I, p. 1434; in the Angul protected Forests, *see* Calcutta Gazette, 1901, Pt. I, p. 879

(*d*) the payments (if any) to be made by the persons mentioned in clauses (*b*) and (*c*) of this section, for permission to cut such trees, or to collect and remove such timber or other forest-produce;

(*e*) the other payments, if any, to be made by them in respect of such trees, timber and produce, and the places where such payment shall be made;

(*f*) the examination of forest-produce passing out of such forests;

(*g*) the clearing and breaking up of land for cultivation or other purposes in such forests;

(*h*) the protection from fire of timber lying in such forests and of trees reserved under section 29;

(*i*) the cutting of grass and pasturing of cattle in such forests;

(*j*) [[1] killing or catching elephants,] hunting, shooting, fishing, poisoning water and setting traps or snares in such forests;

(*k*) the protection and management of any portion of a forest closed under section 29;

(*l*) the exercise of rights referred to in section 28.

Penalties for acts in contravention of notification under section 29.

32. Any person who commits any of the following offences:—

(*a*) fells, girdles, lops, taps or burns any tree reserved under section 29, or strips off the bark or leaves from, or otherwise damages, any such tree;

(*b*) contrary to any prohibition under section 29, quarries any stone, or burns any lime or charcoal, or collects, subjects to any manufacturing process, or removes, any forest-produce;

(*c*) contrary

[1] These words are repealed in the United Provinces, the Central Provinces and Coorg, and in local areas to which the Elephants Preservation Act, 1879, is extended—*see* Act VI of 1879, s. 2, printed, General Acts, Vol. III.

(*c*) contrary to any prohibition under section 29, breaks up or clears for cultivation or any other purpose any land in any protected forest;

(*d*) sets fire to such forest, or kindles a fire without taking all reasonable precautions to prevent its spreading to any trees reserved under section 29, whether standing, fallen or felled, or to any closed portion of such forest;

(*e*) leaves burning any fire kindled by him in the vicinity of any such trees or closed portion;

(*f*) fells any tree or drags any timber so as to damage any tree reserved as aforesaid;

(*g*) permits cattle to damage any such tree;

(*h*) infringes any rule made under section 31;

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

[[1] Whenever fire is caused wilfully or by gross negligence in a protected forest, the Local Government may (notwithstanding that any penalty has been inflicted under this section) direct that in such forest or any portion thereof the exercise of any right of pasture or to forest-produce shall be suspended for such period as it thinks fit.]

Nothing in this Chapter to prohibit acts done in certain cases.

33. Nothing in this Chapter shall be deemed to prohibit any act done with the permission in writing of the Forest-officer, or in accordance with rules made under section 31, or (except as regards any portion of a forest closed under section 29) [2] [or any rights the exercise of which has been suspended under section 32] in the exercise of any right recorded under section 28.

CHAPTER V.

[1] This clause was added to the section by s. 2 of the Indian Forest (Amendment) Act, 1901 (V of 1901).

[2] These words were inserted by s. 3 of Act V of 1901.

(*Chapter V.—Forests under Conservancy-administration when this Act comes into force.—Section 34. Chapter VI.—Of the Control over Forests and Lands not being the Property of Government.—Section 35.*)

CHAPTER V.

FORESTS UNDER CONSERVANCY-ADMINISTRATION WHEN THIS ACT COMES INTO FORCE.

Forests under conservancy-administration when this Act comes into force.

34. Within twelve months from the date on which this Act comes into force in the territories administered by any Local Government, such Government shall, after consideration of the rights of the Government and private persons in all forest-lands or waste-lands then under its executive control for purposes of forest-conservancy, determine which of such lands [if any] can according to justice, equity and good conscience, be classed as reserved forests or protected forests under this Act, and declare, by notification in the local official Gazette, any lands so classed to be reserved or protected forests, as the case may be:—

Provided that such declaration shall not affect any rights of the Government or private persons to or over any land or forest-produce in any such forest, which have, previous to the date of such declaration, been inquired into, settled and recorded in a manner which the Local Government thinks sufficient:

Provided also that if any such rights have not on such date been so inquired into, settled and recorded, the Local Government shall direct that the same shall be inquired into, settled and recorded in the manner provided by this Act for reserved or protected forests, as the case may be; and, until such inquiry, settlement and record have been completed, no such declaration shall abridge or affect such rights.

CHAPTER VI.

OF THE CONTROL OVER FORESTS AND LANDS NOT BEING THE PROPERTY OF GOVERNMENT.

Protection of forests for

35. The Local Government may from time to time,

time, by notification in the local official Gazette, regulate or prohibit in any forest or waste-land— special purposes.

(*a*) the breaking up or clearing of land for cultivation;

(*b*) the pasturing of cattle;

(*c*) the firing or clearing of the vegetation;

when such regulation or prohibition appears necessary for any of the following purposes:—

first, for protection against storms, winds, rolling stones, floods and avalanches;

second, for the preservation of the soil on the ridges and slopes and in the valleys of hilly tracts, the prevention of landslips and of the formation of ravines and torrents, and the protection of land against erosion, or the deposit thereon of sand, stones or gravel;

third, for the maintenance of a water-supply in springs, rivers and tanks;

fourth, for the protection of roads, bridges, railways and other lines of communication;

fifth, for the preservation of the public health;

and may alter or cancel such notification.

The Local Government may, for any such purpose, construct at its own expense, in or upon any forest or waste-land, such work as it thinks fit:

Provided that no such notification shall be made or work begun until after the issue of a notice to the owner of such forest or land, calling on him to show cause, within a reasonable period to be specified in such notice, why such notification should not be made or work constructed, and until his objections (if any) and any evidence he may produce in support of the same have been heard by an officer duly appointed in that

that behalf and have been considered by the Local Government.

Power to assume management of forests.

36. In case of neglect of, or wilful disobedience to, any regulation or prohibition under section 35, or if the purposes of any work to be constructed under that section so require, the Local Government may, after notice in writing to the owner of such forest or land and after considering his objections (if any), place the same under the control of a Forest-officer, and may declare that all or any of the provisions of this Act relating to reserved forests shall apply to such forest or land.

The net profits (if any) arising from the management of such forest or land shall be paid to the said proprietor.

Expropriation of forests in certain cases.

37. In any case under this Chapter in which the Local Government considers that, in lieu of placing the forest or land under the control of a Forest-officer, the same should be acquired for public purposes, the Local Government may proceed to acquire it in the manner prescribed by the Land Acquisition Act, 1870[1]. 1 of 1870

The owner of any forest or land comprised in any notification under section 35 may, at any time not less than three or more than twelve years from the date thereof, require that such forest or land shall be acquired for public purposes, and the Local Government shall acquire such forest or land accordingly.

Protection of forests at request of owners.

38. The owner of any land or, if there be more than one owner thereof, the owners of shares therein amounting in the aggregate to at least two-thirds thereof may, with a view to the formation or conservation of forests thereon, represent in writing to the Collector or Deputy Commissioner their desire—

(*a*) that such land be managed on their behalf by the

[1] *Read now* the Land Acquisition Act, 1894 (1 of 1894), General Acts, Vol. VI.

the Forest-officer as a reserved or a protected forest on such terms as may be mutually agreed upon; or

(*b*) that all or any of the provisions of this Act be applied to such land.

In either case, the Local Government may, by notification in the local official Gazette, apply to such land such provisions of this Act as it thinks suitable to the circumstances thereof and as may be desired by the applicants.

Any such notification may be altered or cancelled by a like notification.

CHAPTER VII.

OF THE DUTY ON TIMBER AND OTHER FOREST-PRODUCE.[1]

Power to impose duty on timber and other forest-produce.

39. The Local Government, with the previous sanction of the Governor General in Council, may levy a duty in such manner, at such places and at such rates as it may from time to time prescribe by notification in the local official Gazette on all timber [[2] or other forest-produce]—

(*a*) which is produced in British India, and in respect of which the Government has any right;

(*b*) which is brought from any place beyond the frontier of British India.

Power to fix value for *ad valorem* duty.

In every case in which such duty is directed to be levied *ad valorem*, the Local Government may, with the like sanction, from time to time fix, by like notification, the value on which such duty shall be assessed.

All duties on timber [[2] or other forest-produce], which, at the time when this Act comes into force in any

[1] This heading was substituted for the original heading by the Forest Act, 1890 (V of 1890), s. 8 (*1*). General Acts, Vol. V.

[2] These words were inserted by Act V of 1890, s. 8 (*2*).

(*Chapter VII.—Of the Duty on Timber and other Forest-produce.—Section 40. Chapter VIII.—Of the Control of Timber and other Forest-produce in Transit.—Section 41.*)

any territory, are levied therein under the authority of the Local Government, shall be deemed to be and to have been duly levied under the provisions of this Act.

Limit not to apply to purchase-money or royalty.

40. Nothing in this Chapter shall be deemed to limit the amount (if any) chargeable as purchase-money or royalty on any timber or other forest-produce, although the same is levied on such timber or produce while in transit, in the same manner as duty is levied.

CHAPTER VIII.

OF THE CONTROL OF TIMBER AND OTHER FOREST-PRODUCE IN TRANSIT.

Power to make rules to regulate transit of forest-produce.

41. The control of all rivers and their banks as regards the floating of timber, as well as the control of all timber and other forest-produce in transit by land or water, is vested in the Local Government, and it may from time to time make rules to regulate the transit of all timber and other forest-produce.

[1] Such rules may (among other matters)—

(*a*) prescribe the routes by which alone timber [[2] or other] forest-produce may be imported, exported

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[1] For rules made under this section for—

(1) Bombay, *see* list on p. lix of the Bombay List of Local Rules and Orders;

(2) Central Provinces, *see* p. 25 of the Central Provinces List of Local Rules and Orders, Ed. 1896;

(3) United Provinces, *see* North-Western Provinces and Oudh List of Local Rules and Orders, Ed. 1894, p. 66.

For rules made by the Government of Bengal to regulate the transit of timber on the Gandak River, so far as it flows within the jurisdiction of that Government, *see* Calcutta Gazette, 1898, Pt. I, p. 141.

For rules made for the Sonthal Parganas as to the management of protected forests under this section in conjunction with s. 31, *see* Calcutta Gazette, 1901, Pt. I, p. 67.

For River rules for the Chittagong Hill Tracts, *see* Calcutta Gazette, 1881, Pt. I, p. 930; *ibid*, 1882, Pt. I, p. 667; *ibid*, 1885, Pt. I, p. 941; *ibid*, 1898, Pt. I, p. 886; *ibid*, 1901, Pt. I, p. 964.

[2] These words were substituted for the words "and other" by the Forest Act, 1890 (V of 1890), s. 8 (*3*), printed, General Acts, Vol. V.

exported or moved, into, from or within, British India;

(*b*) prohibit the import and export or moving of such timber or other produce without a pass from an officer duly authorized to issue the same, or otherwise than in accordance with the conditions of such pass;

(*c*) provide for the issue, production and return of such passes and for the payment of fees therefor;

(*d*) provide for the stoppage, reporting, examination and marking of timber or other forest-produce in transit, in respect of which there is reason to believe that any money is payable to Government on account of the price thereof, or on account of any duty, fee, royalty or charge due thereon, or to which it is desirable for the purposes of this Act to affix a mark;

(*e*) provide for the establishment and regulation of depôts to which such timber or other produce shall be taken by those in charge of it for examination, or for the payment of such money, or in order that such marks may be affixed to it; and the conditions under which such timber or other produce shall be brought to, stored at and removed from such [[1]depôts];

(*f*) prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber or other forest-produce, and the throwing of grass, brushwood, branches and leaves into any such river or any act which may cause such river to be closed or obstructed;

(*g*) provide for the prevention and removal of any obstruction

[1] "Depôts" was substituted for "depôt" by the Repealing and Amending Act, 1891 (XII of 1891), General Acts, Vol. VI.

obstruction of the channel or banks of any such river, and for recovering the cost of such prevention or removal from the person whose acts or negligence necessitated the same;

(*h*) prohibit absolutely or subject to conditions, within specified local limits, the establishment of saw-pits, the converting, cutting, burning, concealing or marking of timber, the altering or effacing of any marks on the same, and the possession or carrying of marking hammers or other implements used for marking timber;

(*i*) regulate the use of property-marks for timber, and the registration of such marks; prescribe the time for which such registration shall hold good; limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration.

[[1] The Local Government may direct that any rule made under this section shall not apply to any specified class of timber or other forest-produce or to any specified local area.]

Penalty for breach of rules made under section 41.

42. The Local Government may by such rules prescribe as penalties for the infringement thereof imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

Double penalties may be inflicted in cases where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, or if the offender has been previously convicted of a like offence.

Government and Forest-officers not liable for

43. The Government shall not be responsible for any loss or damage which may occur in respect of any timber

[1] This paragraph was added by the Forest Act, 1890 (V of 1890), s. 8 (4), printed. General Acts. Vol. V.

timber or other forest-produce while at a depôt established under a rule made under section 41, or while detained elsewhere for the purposes of this Act; and no Forest-officer shall be responsible for any such loss or damage unless he causes such loss or damage negligently, maliciously or fraudulently.

damage to forest-produce at depôt.

44. In case of any accident or emergency involving danger to any property at any such depot, every person employed at such depôt, whether by the Government or by any private person, shall render assistance to any Forest-officer or Police-officer demanding his aid in averting such danger and securing such property from damage or loss.

All persons bound to aid in case of accident at depôt.

CHAPTER IX.

Of the Collection of Drift and Stranded Timber.

45. All timber found adrift, beached, stranded or sunk;

all wood or timber bearing marks which have not been registered under section 41, or on which the marks have been obliterated, altered or defaced by fire or otherwise, and,

in such areas as the Local Government directs,[1] all unmarked wood and timber,

shall be deemed to be the property of Government unless and until any person establishes his right and title thereto, as provided in this Chapter.

Such timber may be collected by any Forest-officer or other person entitled to collect the same by virtue of any rule made under section 51, and may be

Certain kinds of timber to be deemed property of Government until title thereto proved, and may be collected accordingly.

[1] For rules made under this section for—
(1) Central Provinces, *see* Central Provinces List of Local Rules and Orders, Ed. 1896, p. 30;
(2) United Provinces, *see* North-Western Provinces and Oudh List of Local Rules and Orders, Ed. 1894, p. 66;
(3) Punjab, *see* Punjab Gazette, 1902, Pt. I, p. 400.

be brought to such depôts as the Forest-officer may from time to time notify as depôts for the reception of drift timber.

The Local Government may, by notification in the local official Gazette, exempt any class of timber from the provisions of this section, and withdraw such exemption.

Notice to claimants of drift-timber.

46. Public notice shall from time to time be given by the Forest-officer of timber collected under section 45. Such notice shall contain a description of the timber, and shall require any person claiming the same to present to such officer, within a period not less than two months from the date of such notice, a written statement of such claim.

Procedure on claim preferred to such timber.

47. When any such statement is presented as aforesaid, the Forest-officer may, after making such inquiry as he thinks fit, either reject the claim after recording his reasons for so doing, or deliver the timber to the claimant.

If such timber is claimed by more than one person, the Forest-officer may either deliver the same to any of such persons whom he deems entitled thereto, or may refer the claimants to the Civil Courts, and retain the timber pending the receipt of an order from any such Court for its disposal.

On rejection of claim to such timber, claimant may institute suit.

Any person whose claim has been rejected under this section may, [[1] within three months] from the date of such rejection, institute a suit to recover possession of the timber claimed by him; but no person shall recover any compensation or costs against the Government, or against any Forest-officer, on account of such rejection, or the detention or removal of any timber, or the delivery thereof to any other person under this section.

No such timber shall be subject to process of any Civil, Criminal or Revenue Court until it has been delivered,

[1] These words were substituted for the words "within two months" by the Forest Act, 1890 (V of 1890), s. 9, printed, General Acts, Vol. V.

delivered, or a suit has been brought, as provided in this section.

Disposal of unclaimed timber.

48. If no such statement is presented as aforesaid, or if the claimant omits to prefer his claim in the manner and within the period prescribed by the notice issued under section 46, or on such claim having been so preferred by him and having been rejected, omits to institute a suit to recover possession of such timber within the further period limited by section 47, the ownership of such timber shall vest in the Government, or, when such timber has been delivered to another person under section 47, in such other person free from all encumbrances [[1] not created by him].

Government and its officers not liable for damage to such timber.

49. The Government shall not be responsible for any loss or damage which may occur in respect of any timber collected under section 45, and no Forest-officer shall be responsible for any such loss or damage unless he causes such loss or damage negligently, maliciously or fraudulently.

Payments to be made by claimant before timber is delivered to him.

50. No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the Forest-officer or other person entitled to receive it such sum on account thereof as may be due under any rule made in pursuance of section 51.

Power to make rules and prescribe penalties.

51. The Local Government may from time to time make rules [2] to regulate the following matters (namely) :—

(*a*) the salving, collection and disposal of all timber mentioned in section 45;

(*b*) the

[1] These words were added by Act V of 1890, s. 10.

[2] For rules made under this section for—

(1) Bombay, *see* pp. 191 and 192 of the Bombay List of Local Rules and Orders, Ed. 1896, Vol. I;

(2) Central Provinces, *see* p. 30 of the Central Provinces List of Local Rules and Orders, Ed. 1896;

(3) United Provinces, *see* United Provinces Gazette, 1902, Pt. I, p. 795;

(4) Bengal, for the Jalpaiguri and Darjiling Districts, *see* Calcutta Gazette, 1901, Pt. I, p. 29;

(5) Sindh, *see* Bombay Government Gazette, 1902, Pt. I, p. 297.

(*b*) the use and registration of boats used in salving and collecting timber;

(*c*) the amounts to be paid for salving, collecting, moving, storing and disposing of such timber;

(*d*) the use and registration of hammers and other instruments to be used for marking such timber.

The Local Government may from time to time prescribe, as penalties for the infringement of any rules made under this section, imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

CHAPTER X.

PENALTIES AND PROCEDURE.

Seizure of property liable to confiscation.

52. When there is reason to believe that a forest-offence has been committed in respect of any forest-produce, such produce, together with all tools, boats, carts and cattle used in committing any such offence, may be seized by any Forest-officer or Police-officer.

Application for confiscation.

Every officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

Provided that, when the forest-produce with respect to which such offence is believed to have been committed is the property of Government, and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

Procedure thereupon.

53. Upon the receipt of any such report the Magistrate shall, with all convenient despatch, take such measures as may be necessary for the arrest and trial

trial of the offender and the disposal of the property according to law.

Forest-produce, tools, etc., when liable to confiscation.

54. All timber or forest-produce which is not the property of Government and in respect of which a forest-offence has been committed, and all tools, boats, carts and cattle used in committing any forest-offence, shall be liable to confiscation.

Such confiscation may be in addition to any other punishment prescribed for such offence.

Disposal, on conclusion of trial for forest-offence, of produce in respect of which it was committed.

55. When the trial of any forest-offence is concluded, any forest-produce in respect of which such offence has been committed shall, if it is the property of Government or has been confiscated, be taken charge of by a Forest-officer and in any other case may be disposed of in such manner as the Court may direct.

Procedure when offender not known, or cannot be found.

56. When the offender is not known, or cannot be found, the Magistrate may, if he finds that an offence has been committed, order the property in respect of which the offence has been committed to be confiscated and taken charge of by the Forest-officer, or to be made over to the person [[1]whom the Magistrate deems to be entitled to the same]:

Provided that no such order shall be made until the expiration of one month from the date of seizing such property, or without hearing the person (if any) claiming any right thereto, and the evidence (if any) which he may produce in support of his claim.

Procedure as to perishable property seized under section 52.

57. The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 52 and subject to speedy and natural decay, and may deal with the proceeds as he would have dealt with such property if it had not been sold.

Appeal from orders under

58. The officer who made the seizure under section

[1] These words were substituted for the words "whom he deems to be entitled to the same" by the Forest Act, 1890 (V of 1890), s. 11, General Acts, Vol. V.

sections 54, 55 and 56.

section 52, or any of his official superiors, or any person claiming to be interested in the property so seized, may, within one month from the date of any order passed under section 54, 55 or 56, appeal therefrom to the Court to which orders made by such Magistrate are ordinarily appealable, and the order passed on such appeal shall be final.

Property when to vest in Government.

59. When an order for the confiscation of any property has been passed under section 54 or 56, as the case may be, and the period limited by section 58 for an appeal from such order has elapsed and no such appeal has been preferred, or when, on such an appeal being preferred, the Appellate Court confirms such order in respect of the whole or a portion of such property, such property or such portion thereof, as the case may be, shall vest in the Government free from all incumbrances.

Saving of power to release property seized.

60. Nothing hereinbefore contained shall be deemed to prevent any officer empowered in this behalf by the Local Government from directing at any time the immediate release of any property seized under section 52.

Punishment for wrongful seizure.

61. Any Forest-officer or Police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Act shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary-marks.

62. Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code,[1] XLV of 1860.

(*a*) knowingly counterfeits upon any timber or standing tree a mark used by Forest-officers to indicate that such timber or tree is the property of the Government or of some person,

[1] *See* now the revised edition of the Code as modified up to 1st April, 1903.

person, or that it may lawfully be cut or removed by some person; or

(*b*) alters, defaces or obliterates any such mark placed on a tree or on timber by or under the authority of a Forest-officer; or

(*c*) alters, moves, destroys or defaces any boundary mark of any forest or waste-land to which the provisions of this Act are applied,

shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

Power to arrest without warrant.

63. Any Forest-officer or Police-officer may, without orders from a Magistrate and without a warrant, arrest any person against whom a reasonable suspicion exists of his having been concerned in any forest-offence punishable with imprisonment for one month or upwards.

Every officer making an arrest under this section shall without unnecessary delay take or send the person arrested before the Magistrate having jurisdiction in the case, [[1]or to the officer in charge of the nearest police-station].

Nothing in this section shall be deemed to authorize such arrest for any act which is an offence under Chapter IV of this Act, unless such act has been prohibited under section 29, clause (*c*).

Power to prevent commission of offence.

64. Every Forest-officer and Police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

Power to try offences summarily.

65. The Magistrate of the district[2] and any Magistrate of the first class specially empowered in this behalf by the Local Government may try summarily, under

[1] These words were added by the Forest Act, 1890 (V of 1890), s. 12, General Acts, Vol. V.

[2] Now District Magistrate—*see* the Code of Criminal Procedure, 1898 (Act V of 1898), s. 3, General Acts, Vol. VI. *See* now the revised edition of the Code as modified up to 1st April, 1903.

under the Code of Criminal Procedure,[1] any forest-offence punishable only with imprisonment for a term not exceeding six months or fine not exceeding five hundred rupees, or both. X of 1872.

Operation of other laws not barred.

66. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or the rules made under it, or from being liable under such other law to any higher punishment or penalty than that provided by the rules made under this Act:

Provided that no person shall be punished twice for the same offence.

Power to compound offences.

[2]67. (*1*) The Local Government may from time to time, by notification in the official Gazette, empower a Forest-officer by name, or as holding an office,—

(*a*) to accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence, other than an offence specified in section 61 or section 62, a sum of money by way of compensation for the offence which such person is suspected to have committed, and,

(*b*) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer.

(*2*) On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released, and no further proceedings shall be taken against such person or property.

(*3*) A Forest-officer shall not be empowered under this section unless he is a Forest-officer of a rank not inferior

[1] The reference should now be taken as being made to Act V of 1898.

[2] This section was substituted for the original s. 67 by the Forest Act, 1890 (V of 1890), s. 13, printed, General Acts, Vol. V.

inferior to that of a Ranger and is in receipt of a monthly salary amounting to at least one hundred rupees, and the sum of money accepted as compensation under sub-section (*1*), clause (*a*), shall in no case exceed the sum of fifty rupees.

Presumption that forest-produce belongs to Government.

68. When in any proceedings taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any forest-produce is the property of the Government, such produce shall be presumed to be the property of the Government until the contrary is proved.

CHAPTER XI.

CATTLE-TRESPASS.

Cattle-trespass Act, 1871, to apply.

69. Cattle trespassing in a reserved forest or in any portion of a protected forest which has been lawfully closed to grazing shall be deemed to be cattle doing damage to a public plantation within the meaning of the 11th section of the Cattle-trespass Act, 1871[1], and may be seized and impounded as such by any Forest-officer or Police-officer.

I of 1871.

Power to alter fines fixed by that Act.

70. The Local Government may from time to time, by notification in the local official Gazette, direct that in lieu of the fines fixed by the 12th section of the Act last aforesaid, there shall be levied for each head of cattle impounded under section 69 of this Act such fines as it thinks fit, but not exceeding the following, that is to say :—

For each elephant	ten rupees.
For each buffalo or camel	two „
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer .	one rupee.
For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid	eight annas.

CHAPTER XII.

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[1] *See* now the revised edition of the Act, as modified up to 1st April, 1901.

CHAPTER XII.

OF FOREST-OFFICERS.

Local Government may invest Forest-officers with certain powers.

71. The Local Government may invest any Forest-officer by name, or as holding an office, with the following powers, that is to say :—

(*a*) power to enter upon any land and to survey, demarcate and make a map of the same;

(*b*) the powers of a Civil Court to compel the attendance of witnesses and the production of documents;

(*c*) power to issue a search-warrant under the Code of Criminal Procedure[1]; X of 1872.

(*d*) power to hold an inquiry into forest-offences, and, in the course of such inquiry, to receive and record evidence.

Any evidence recorded under clause (*d*) of this section shall be admissible in any subsequent trial before a Magistrate, provided that it has been taken in the presence of the accused person.

Forest-officers deemed public servants.

72. All Forest-officers shall be deemed to be public servants within the meaning of the Indian Penal Code[2]. XLV of 1860.

Indemnity for acts done in good faith.

73. No suit shall lie against any public servant for anything done by him in good faith under this Act.

Forest-officers not to trade.

74. Except with the permission in writing of the Local Government, no Forest-officer shall, as principal or agent, trade in timber or other forest-produce, or be or become interested in any lease of any forest or in any contract for working any forest, whether in British or Foreign territory.

CHAPTER XIII.

[1] *Read now* the Code of Criminal Procedure, 1898 (Act V of 1898). *See* now the revised edition of the Act, as modified up to 1st April, 1903.

[2] *See* now the revised edition of the Code, as modified up to 1st April, 1903.

CHAPTER XIII.

SUBSIDIARY RULES.

75. The Local Government may from time to time make rules[1]— Additional powers to make rules.

(*a*) to prescribe and limit the powers and duties of any forest-officer under this Act[2];

(*b*) to regulate the rewards to be paid to officers and informers out of the proceeds of fines and confiscations under this Act;

(*c*) for the preservation, reproduction and disposal of trees and timber belonging to Government, but grown on lands belonging to or in the occupation of private persons; and,

(*d*) generally, to carry out the provisions of this Act.

76. Any person breaking any rule under this Act, for the breach of which no special penalty is provided, shall be punished with imprisonment for a term which may extend to one month, or fine which may extend to five hundred rupees, or both. Penalties for breach of rules.

[3]**77.** All rules made by the Local Government under this Act shall be published in the local official Gazette, and shall thereupon, so far as they are consistent with this Act, have the force of law: Rules when to have force of law.

Provided

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[1] For rules made under this section for—

(1) Bombay, *see* pp. 195 to 200 of the Bombay List of Local Rules and Orders, Vol. I, Ed. 1896;

(2) Central Provinces, *see* pp. 31 to 34 of the Central Provinces List of Local Rules and Orders, Ed. 1896, and Central Provinces Gazette, 1900, Pt. I, p. 214;

(3) United Provinces, *see* pp. 68 to 70 of the North-Western Provinces and Oudh List of Local Rules and Orders, Ed. 1894; *see* also North-Western Provinces and Oudh Gazette, 1899, Pt. I, p. 494; *ibid* 1900, Pt. I, p. 491;

(4) Punjab, *see* Punjab Gazette, 1899, Pt. I, p. 748.

[2] For notification declaring that certain officers shall exercise the powers of Forest-officers under certain sections, *see* Calcutta Gazette, 1901, Pt. I, p. 28.

[3] *See* also s. 23 of the General Clauses Act, 1897 (X of 1897), printed, General Acts, Vol. VI.

Provided that no rule made under section 27, 31 or 41 shall be so published without the previous sanction of the Governor General in Council.

CHAPTER XIV.

MISCELLANEOUS.

Persons bound to assist Forest-officers and Police-officers.

78. Every person who exercises any right in a reserved or protected forest, or who is permitted to take any forest-produce from, or to cut and remove timber or to pasture cattle in, such forest, and

every person who is employed by any such person in such forest, and

every person in any village contiguous to such forest who is employed by the Government, or who receives emoluments from the Government for services to be performed to the community,

shall be bound to furnish without unnecessary delay to the nearest Forest-officer or Police-officer any information he may possess respecting the commission of, or intention to commit, any forest-offence, and shall assist any Forest-officer or Police-officer * * *[1]—

(*a*) in extinguishing any fire occurring in such forest;

(*b*) in preventing any fire which may occur in the vicinity of such forest from spreading to such forest [1] [and shall assist any Forest-officer or Police-officer demanding his aid];

(*c*) in preventing the commission in such forest of any forest-offence; and

(*d*) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

Management of forests the joint pro-

79. If the Government and any person be jointly interested in any forest or waste-land, or in the whole or

[1] The words "demanding his aid" were omitted and the words at the end of clause (*b*) inserted by s. 4 of the Indian Forest (Amendment) Act, 1901 (V of 1901).

or any part of the produce thereof, the Local Government may from time to time either—

perty of Government and other persons.

(*a*) undertake the management of such forest, waste-land or produce, accounting to such person for his interest in the same; or

(*b*) issue such regulations for the management of the forest, waste-land or produce by the person so jointly interested as it deems necessary for the management thereof and the interests of all parties therein.

When the Local Government undertakes, under clause (*a*) of this section, the management of any forest, waste-land or produce, it may from time to time, by notification in the local official Gazette, declare that any of the provisions contained in Chapters II and IV of this Act shall apply to such forest, waste-land or produce, and thereupon such provisions shall apply accordingly.

Failure to perform service for which a share in produce of Government forest is enjoyed.

80. If any person be entitled to a share in the produce of any forest which is the property of Government or over which the Government has proprietary rights, or to any part of the forest-produce of which the Government is entitled, upon the condition of duly performing any service connected with such forest, such share shall be liable to confiscation in the event of the fact being established to the satisfaction of the Local Government that such service is no longer so performed:

Provided that no such share shall be confiscated until the person entitled thereto, and the evidence (if any) which he may produce in proof of the due performance of such service, have been heard by an officer duly appointed in that behalf by the Local Government.

Recovery of money due to Government.

81. All money payable to the Government under this Act, or under any rule made under this Act, or on account of the price of any forest-produce, or of expenses incurred in the execution of this Act in respect of such produce, may, if not paid when due, be

be recovered under the law for the time being in force as if it were an arrear of land-revenue.

Lien on forest-produce for such money.

82. When any such money is payable for or in respect of any forest-produce, the amount thereof shall be deemed to be a first charge on such produce, and such produce may be taken possession of by a Forest-officer until such amount has been paid.

Power to sell such produce.

If such amount is not paid when due, the Forest-officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

The surplus (if any), if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to Her Majesty.

Land required under this Act to be deemed to be needed for a public purpose under Land Acquisition Act, 1870.

83. Whenever it appears to the Local Government that any land is required for any of the purposes of this Act, such land shall be deemed to be needed for a public purpose within the meaning of the Land Acquisition Act, 1870,[1] section 4. X of 1870

Recovery of penalties due under bond.

[2] 84. When any person, in compliance with any rule under this Act, binds himself by any instrument to perform any duty or act, or covenants by any instrument that he, or that he and his servants and agents, will abstain from any act, the whole sum mentioned in such instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding anything in section 74 of the Indian Contract Act, 1872,[3] be recovered from him IX of 1872. in case of such breach as if it were an arrear of land-revenue.

SCHEDULE.

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[1] *Read now* the Land Acquisition Act, 1894 (I of 1894)—*see* s. 2 of the Act—General Acts, Vol. VI.

[2] S. 84 was added by the Forest Act, 1890 (V of 1890), s. 14, General Acts, Vol. V.

[3] Printed, General Acts, Vol. II; *see* now the revised edition of the Act as modified up to 1st September, 1899, with footnotes brought down to June 30th, 1901.

SCHEDULE.

(*See section 1.*)

ENACTMENTS REPEALED.

Number and year of Act or Regulation.	Title.	Extent of repeal.
Act VII of 1865	An Act to give effect to rules for the management and preservation of Government forests.	So much as has not been repealed.
Act VII of 1869	An Act to give validity to certain rules relating to forests in British Burma.	The whole.
Act XIII of 1873	An Act to amend the law relating to timber floated down the rivers of British Burma.	So much as has not been repealed.
Regulation IX of 1874.	The Arakan Hill District Laws Regulation, 1874.	So far as it relates to Acts VII of 1865 and VII of 1869.

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